

**A treatyse
concerninge
the power**

**of the clergye / and
the lawes of the
Kealme.**

*

*** Cū privilegio regali.**

Unough the princypall intent
of this present treatyse/be to
speke of the power of the clergye/
of the lawes of the realme: Yet for
asmoche as those powers canne nat
perfytyly be knowen/ but the power
of kynges & princes be knowen also.
Therfore dyuers textes of Scrip-
ture/ concernynge kynges and prin-
ces be put into thre of the fyrst Cha-
pitres of this treatise/ with the En-
glyshe folowynge the same/ for them
that vnderstāde nat the latin tonge.
And the .ix. chapter also / treateth
moch of the power of kynges & pri-
ces/ and also of the clergye/ and whe-
ther the gospel toke any power fro
princes that they had before the com-
myng of Christ/ or nat. The other
Chapiters concerne most specially
the clergye/ and the lawes and custo-
mes of the realme / as to the
reders wyll appere.

The fyrst chapiter.

Auctorities to proue that kiges
and princes haue theyr auctorite
immediatly of god. And that honour
and obedience ought to be gyuen to
them. The fyrst chapiter.

Per me reges regnant/et legum-con
ditores iusta decedunt. *Pro. viij.*

By me kinges raygne/ & makers
of lawes dyscerne thynges that be
rightwysse. *Proverbiozum. viii.*

Et nunc Reges intelligite erudimini
qui iudicatis terram. *Psal. ii.*

And nowe o kyngs/loke ye vnder
stande: be ye lerned that iuge the
worlde. *Psalmo. ii.*

Audite ergo Reges et intelligite/ dis
cite iudices finium terre / prebete aures
vos qui continetis multitudines et pla
cetis vobis i turbis nationum/ quoniam
data est a deo potestas vobis. *Sapi. vi.*

Here ye therfore ye kynges and
vnderstande: lerne ye that be iuges

A. ii. of

The fyrst chapter.
of all parties of the worlde : laye to
your eares ye that rule the multitu-
de and ordre the people : for power
is gyuen to you of god. Sapi. vi.

Reges gētium dñantur cor. Luc xxi
Kinges of the people haue power
ouer them. Luc. xxi.

Deum timeate / et regem honorificate.
Drede god & honour y^e big. i. pe. ii.

Non est eni potestas nisi a deo. Que
autem sunt / a deo ordinata sunt. Itaq;
qui resistit potestati dei ordinationi resi-
stet. Qui autem resistunt ipsi sibi damp-
nationem acquirunt. &c. Nam principes
non sunt timore boni operis sed mali. &c.
His autem nō timere potestatem / bonū
fac & habebis laudem ex illa / dei enim mi-
nister est tibi in bonum / si autem malum
feceris time non enim sine causa gladiū
portat. ad Ro. xiii.

There is no power but of god.
Forsoth all thiges that be / be ordey-
ned of god. And so he that resysteth
power

The fyrst chapiter.

power / resysteth the ordynaunce of
god. And they that resyst get damp
nacyon to them selfe. For princes be
nat ordayned to the drede of a good
worke / but of euyl. Wylt thou nat
drede power : do well & thou shalte
haue laude of it. He is the minister
of god into goodnesse to the / and if
thou do euyl / drede / for he bereth
nat a swerde without cause.

Subiecti estote of humane creature
propter deum sine regi tanquam precel-
lenti sine ducibus tanquā ab eo missis ad
vindictam malefactorum laudē vero bo-
norum. Prima petri .ii.

Be ye subget to all men for god :
eyther to the kynge as precellynge
other / or to dukes as men sente by
him to the correction of euyl doers /
and laude of wel doers. i. Petri .ii.

Non aufert deus a iusto oculos suos
et reges in solio collocat imperant.

God tourneth nat his eyen fro a
right

The seconde chapiter.

right wysman / & kynges he setteth
in their seates for euer. Job. xxxvi.

¶ Rex David dixit omni populo elegit
dominus deus Israel me de vniuersa
domo patris mei / vt essem rex super Is-
rael in sempiternum .i. Paral. xviij.

King Dauid sayd to al y people
our lord be god of Israel / chafe me
before all y house of my father / that
I shulde be kyng vpon Israel for
euer. Primo. Paral. xviij.

¶ Certayn partyculer auctorities
concernynge kynges and princes.

The seconde chapiter.

¶ Constituit te regē vt faceres iudiciū
et iusticiam .iii. Regum .i.

He hath ordeyned the a kige / that
thou shuldest do iustyce & iugement.

¶ Regius Daba dixit ad Salomone / qz
diligis deū Israel et vult seruare illū in
ternū idcirco posuit te sup eum regem vt
facias

The seconde chapter.

facias iudicia atq; iudiciū. ii. Paral. ix.

The quene of Saba sayd to Salomon / bicause god loueth Israel & wyl pserue him for euer / therfore he hath made the kyng ouer him / that thou shuldest do iustyce to all & eue ry one of the people. ii. Paral. ix.

Honor regis iudiciū diligit. p̄sa. 92.

The honour of a kyng loueth iustyce.

In multitudine populi dignitas regis et in paucitate plebis ignominia principis. p̄ouerbiozum. xiii.

In the multytude of people is the dygnyte of a kyng / and in the lytelnesse of people is the wantyng of glozy to a p̄nce. p̄ro. xiii.

Diuturnatio in labiis regis in iudicio non errabit os eius. p̄ouer. xvi.

A dyuine workyng is in the lypes of a kige / & his mouth shall nat erre in iugement. p̄ro. xvi.

Abomi

The seconde chapiter.

¶ Abominables Regi qui agunt impie /
quoniam iusticia firmatur solium / volun-
tas regum labia iusta. Prover. xvi.

They be abhominable to a kinge
that do wyckedly / for a kigdome is
stabyled in iustyce / & true lyppe are
a kynges wyll. Prover. xvi.

¶ In hilaritate vultus regis vita / et cle-
mentia eius quasi imber serotinus. pro xvi.

In the chercfulness of a kynges
countenaunce is lyfe : and his mer-
cy is as an euenyng dewe. pro. xvi.

¶ Sicut diuisiones aquarum ita cor re-
gis in manu domini / quocumque voluerit
inclinabit illud. Proverbiorum. xxi.

As diuisions of waters are in the
handes of our lord / so is the herte
of a kyng in the hande of our lord
and whither soeuer he wyll he shall
bowe it. Proverbiorum. xxi.

¶ Qui diligit cordis mundiciam prop-
ter gratiam labiorum suorum habebit a-
micum regem. Proverbiorum. xxii.

He

The seconde chapter.

**He that loueth the clennes of herte
foz the grace of his wordes shall ha
ue the kinge fauorable vnto him.**

Gloria regis inuestigare sermonem.

**The gloz of a kyng is to serche
the truth of that is spoken. pro. xxv.**

Rex iustus erigit terram. pro. xxix.

**A right wyle kyng exalteth hys
realme. Proverbiorum. xxix.**

**Rex q̄ iudicat in veritate paupes / thro
nus eius in eternum firmabitur. pro. xxix.**

**A kyng that iudgeth pooze men in
truth / his throne shal be stablled
foz euer. Proverbiorum. xxix.**

Beata terra cuius rex nobilis est.

**Blessed is that countrey that hath
a noble kyng. Ecclesiastes. x.**

**In cogitatione tua regi non detrahas
et in secreto cubiculi tui non maledicis
diuiti quia et aues celi portabunt vocem
tua**

The seconde chapiter.

enam / et qui habet pennas annuntiabit
sententiam. Ecclesiastes. x.

In the secrete of thy hert bacbyte
not the kyngel / & in thy secrete chaū-
ber / speke nat euyl of a riche man:
for the byrdes of heuē shall bere thy
boyce / & they that haue queles shall
shewe thy sentence.. Ecclesiastes. x.

Si ergo delectamini sedibus et sceptris
o reges populi / diligite sapientiam ut in-
eternum uiueris. Sapienti. vi.

O ye kinges of the people if you
loue your high seates and scepters /
loue wysdome and ye shall lyue for-
euer. Sapienti. vi.

Rex sapiens / populi stabilimentum est.
A wyle kyng is the stablenesse
of his people. Sapi. vi.

Dyuers autorites prouyng that
kynges and princes in tyme past
haue ordeted thynges that some
men call spūall. The. iii. cha.
Exiuit

The thirde chapiter.

Exit igitur Joseph omnem terram
Egypti vendentibus singulis pos-
sessiones suas pre magnitudine famis /
subiecitq; eam Pharaoni et cunctos po-
pulos eius a nouissimis terminis egypti
vsq; ad extremos fines eius / preter terra
sacerdotu que a rege tradita fuit eis / qui-
bus & statuta cibaria ex horreis publicis
prebebantur et ideo non sunt compulsi
vendere possessiones suas. Gene. xlvii.

Joseph wente thozugh all the la-
des of Egypte euery man sellynge
his possellyons for the greatnesse of
the hungre / & he subdued it to Pha-
rao / and all the people therof / from
the farthest ende of Egypte to the
extreme parte therof. Excepte the
landes of the prestes that were gy-
uen vnto them by the kinge / to who
also suffycient meat was gyuen of
the comen barnes / and therfore they
were nat compelled to sell their pos-
(sellions.

Et constituit Salomon iuxta consti-
tucionem David patris sui officia sacer-
dotu in ministerijs suis et leuitas in or-
dine

The thirde chapiter.

diue suo ut laudarent et ministraret coram
Sacerdotibus iuxta ritum unusquisque dei
et iuniores in divisionibus suis per portam
et portam sic enim precepit David homo
dei nec pretergressi sunt de mandatis regis
tam sacerdotes quam leuite ex omnibus que pre
ceperat .ii. Paral. viii.

Salomon accordinge to the con
stitution of David his father orde
ned the office of prestes in their mi
nistrations & leuytes in their order
that they shulde laude and minister
before the prestes after the customes
of every daye / and porters in their
diuisions by gate and gate: so com
maunded David the ma of god that
it shulde be / and they breke nothige
of the kiges comaundement neyther y
prestes nor the leuytes in all thin
ges that the kinge comaunded.

¶ Jer. Josaphat constituit iudices in cun
tis ciuitatibus Judee in Hierosolima constituit
leuitas et sacerdotes et principes fami
liarum ut iudicium et causam domini in
dicarent

dicarent habitatoribus eius / et ulterius
addidit dicens / Amarias autē sacerdos
et pontifex bestet in hijs q̄ ad deum per-
tinent presidebit. ii. Paral. ix. Multa e-
ciam fecit. Ezechias rex in hijs que vi-
dentur esse spūalia vt patet. ii. paralip.
xxix. & xxx. & xxxi. reges etiam diuersi cō-
stituerunt sūmū sacerdotiū inter iudeos
vt pater .i. Machab. vii. et .x. & xiii.

The kyng Josaphat ordeyned
iuges in all the cyties of Juda / & in
Hierusalem he ordeyned leuytes &
prestres / & princes of families / that
they shulde iudge the iugemente &
cause of our lord to al the dwellers
therof / & furthermore he added ther
to sayeng. Amarie / your prest &
bushop shalbe chese in such thinges
as pteyne to god. ii. paral. ix. Also
kyng Ezechias ordeyned many thi-
ges that semeth to be spūal as it ap-
pereth. ii. paral. xxx. & xxx. & xxxi.
Also dyuers kynges appoynted the
h:gh presthod among ȳ iewes as it
appereth. i. Mach. vii. & .x. & xiii.
whe

The first question the .iii. Cha.
Wether the statute made
in the .xlv. yere of kynge
Edward the .iii. that is co
monly called y^e statute of
Silua Cedua/ be agaynst the lawe
of god oꝝ nat. The .iii. Chapter.

In answere to the sayd
fyꝛst question

The statute of Silua Cedua
wherof mencion is made in
the sayd fyꝛst question standeth wel
with the lawe of god/ and ought in
conscience to be obserued/ as well by
the clergye as by the people in this
realme: and these be the causes that
moue vs to say so: We thynke that
the payeng of the .x. parte of wode
aboue .xx. yere can nat conuenient
ly serue foꝝ the susteynaunce of y^e spi
rituall minystris / foꝝ they muste
yereky and dayly be susteyned / and
the profyt of that wode may happen
ly nat

ly nat come in an hundreth pere or
more / for the wode shall growe as
longe as it shall please the owner /
and therfore whan our lorde (Leu-
tici. xxvii) appoynted to the iewes/
wherof tythes shulde be payde / he
appoynted nat that any tythes shulde
be payde of the trees / but of y^e frutes
as there appereth. A nother cause
is this. Though the people be bou-
de by the lawe of reason and also by
the lawe of god / to fynde to their
spirituall ministers a resonable por-
cion of good; to lyue with / yet that
the people shall paye precysely the
tenth parte to their spirituall mini-
sters in name of that porcyon / is but
by the lawe of man. And therfore
if the tenth parte in any countrey
suffysed nat for the minystrs / the
people were bounde to gyue them
more. And accoꝝdyng to that / that
is sayd before / speketh John Gerſo

in a

late in ende off leuiticy.

The fourth chapter.

in a treatise that he nameth Regule
morales/ where he saythe thus.

Solutio Decimarū sacerdotib⁹
est de iure diuino quatenus clerici
inde sustententur: sed quotā hanc
vel illam assignare aut in alios red
dit⁹ cōmutare positiui iuris existit.

That is to saye / The payenge of
tithes to prest⁹ is by the law of god
so that they therewith maye be sustey
ned/ but to assygne this porcyon oꝝ
that/ oꝝ to chaunge it into other ren
tes / is by the lawe posytyue / that is
to say / by the lawe of man. And
lyth the tenth parte is by the lawe of
man / all custommes and pꝛescrip
cyons of payment of tithes in name
of the tenth parte ought to be obser
ued / so that the spꝛituall ministers
haue suffycient ~~supplies~~ / and the sayd
statute is no farther / but that a pꝛo
hybicyon shall lye where a man is
sued in the spꝛituall courte for tith
of

law of god

frome

fiction

The fourth chapter.

of wood aboue the age of .xx. yerres
by the name of *Silua Cedua* / as it
hath done in tyme past. and though
tythes be called *spyzituall* / yet they
be in dede *tempozall* : as all goodes
be i whose hand; soeuer they come.
And so the parliament hath full po-
wer to orde them / so that the lawe
of god be nat broken by their orde.
And it is nat to thynke that the kige
and his lordes *spyzituall* & *tempozall*
and the comēs that were at that par-
liament wolde haue ben so farre o-
uer seen / to haue made a statute a-
gainste the lawe of god / and if it be
sayde that the tenth parte amonge
the Jewes in the olde lawe / was a
lawe of god / & that therfore it ought
to be obserued / among cristen men
as other morall lawes be. Yt may be
answered / that payeng of the tenth
parte for tythes is no morall lawe /
and therfore it celled whan the pas-

B

syon



The fyth chapter.

Spone of Christe was fully preched & knowne amonge the people as other Iudicialles and Ceremonialles dyd. And therfore if it were prohibited/ that it shulde nat hereafter be lawfull for any man/ to saye that the sayde statute is agaynst the lawe of god. It is very like that it shuld cause great quyetnes hereafter betwene the Curattes and their parlyshons in many places in this realme.

The .ii. question. the fyth cha.

Wether the Iuges in spirytuall courtes be bounde in any case to take knowlege of the kynges lawes/ and to iuge thereafter or nat.

The fyth chapter.

An answer to the seconde question.

The fyfth chapiter.

If any questyon or doute rse
in the spūall courte concernig
the ryght or possessyon of any tēpor
ral thyng / & wherof they in the spy
rytuall courte / after the custome of
the realme maye holde ple. The iur
ges there are bounde to iudge the
right to him that hath right by the
kynges lawes. As if a man haue
two sonnes / one bozne befoze espou
sels / and another after : and he be
queth to his sonne and heyre an hun
dredth pounce / they in the spyrituall
courte are bounde to iuge the hun
dredth pounce to him that is heyre by
the lawes of the realme. Also if a
man haue a porcyon of tythes in a
nother paryshe / so longe tyme that
it maketh a p̄scriptyon in the spy
rytuall courte / but nat in the lawes
of the realme. He hath no ryght to
that porcyon, for lyke as a lawe ma
de by the Clergye / that one curate

B. ii.

Shulde

The fyrte chappter.

shulde haue a porcyon of tythes in another parryshe were voyde. So is a prescription voyde that is grounded onely by the lawe made by the Clergye / agaynst the prescriptiōs of the lawe of the realme. And in the lawe of the realme there is no lesse prescription / thā fro the tyme wher of no mynde of man renneth to the contrarie. Also if a man by his wyll byqueth certayne money or goodes to a monke / that byquest is voyde in the lawes of the realme. And so they in the spyrituall courte oughte to iudge it.

*** The .iii. questyon the fyrte cha.**

Wether it be agaynst the lawe of god to araigne prestes before laye mē or nat. **The .vi. cha.**

CAn answere to the .iii. question.

As

The syxt chapiter.

AS to the very auncyēt grou-
des of the comē lawe of this
realme prestes shulde be put to an-
swere before the kiges iustices: as
well in actions real and personall/
As i felonys murders & treasons/
as farforth as any laye men shulde
be. Neuerthelesse / by a contynuall
pretence that the clergy haue made
that it is agaynst the lawe of god
that clerk; shulde be put to answer
before laye men / or their bodys ar-
rested. They haue hadde great fa-
uoure in suche thinges / more than
laye men haue had. Howbeit whā
they haue had such fauour / they ha-
ue natte taken it as a fauoure of the
kyng or his lawes: but as a thige
whiche they ought of right to haue
by the lawe of god. And therbpon
they haue at many parliamētes ma-
de pretence to haue more lybertie in
that behalfe than the comen lawe &
custome

The fyrte chapter.

customre of the realme hath gyuen
them/ and more than laye men haue
had. And to cause the matter more
playnly to appere I shall recyte soe
statutes that haue been made in dy-
uers parlyamentes in tyme past/ co-
cernynge the pretence of the clergye
therin. Fyrst in the statute of Mar-
lebrygge in the .lii. yere of kynge
Henry the thyrde. It is inactyd
thus. If a clerke be arrested for a
ny offence belongyng to the crowne
and after by the kynges comaunde-
mente he is let to bayll or is releui-
ed. So that they to whom he is ta-
ken to bayle shall haue hym before
the kynges iustyce .xc. That they
to whō he is taken in bayle/ nor his
other pledges shall nat frothēsforth
be amerced/ if they haue his body
before the iustyce though he wyl nat
or maye nat answere before them/
for the priuilege that he is a clerke/
by

by which statute it appereth that be-
foze that statute clerkes were arres-
ted foꝛ offences agaynst the crowne
and it appereth also that clerkes cla-
med their priuileges than / as they
do now / but the Statute doth nat
asserme oꝛ alowe that they oughte
to haue it. Foꝛ the statute was nat
made to that entente / but it was ma-
de onely foꝛ the indempnytie of the
pledges / that though the clerkes in
such case wolde nat answer foꝛ trust
of their sayd priuilege / that yet the
pledges shulde bere no losse therby
as some men take it that they shuld
haue done by the lawe / but the pri-
uilege of clerkes was lefte in dout
as it was befoze. And prestes were
put to answer befoze the kynges iu-
styce after that statute as they were
befoze / and so contynued the vary-
aunce / vntyll the treatyce of Arti-
culi cleri was made / which as it is
sayde

sayde is a statute and was made in
the .ix. yere of Kyng Edward
the .ii. at whiche tyme the Clergye
made many artycles of certayn gre
fes done / as they sayd to the church
of Englande / wherby is understan
de the clergy of Englande wherof
one was that though a clerke ought
nat as they sayde to be iuged before
a secular iudge / ne any thyng to be
done agaisste him wherby he might
come to the perell of deth. Neuerthe
lesse / they sayde that secular Iuges
make clerkes y^e fle to churches and
there knowlege their offences to ab
iure the realme / and admitte the ab
iuratiōs for that cause / though they
be nat their iuges therupon. And so
sayde they that there was gyuen to
laye men an indyrecte power to pu
nyssh the clerkes if they come into the
realme agayne. To this cōplainte
the seyde treatise ans wereth thus / &
sayth.

The fyrst chapter.

sayth. A clerke fleeng to the church
for felony / to haue the defence of the
church / if he afferme hym selfe to be
a clerke : shall nat be comp elled to
abiure the realme / but yeldynge hi
selfe to y^e lawe of the realme he shall
enioye the lybertie of the church / af
ter y^e laudable custome of y^e realme
vled i tyme past. And it sem eth y^e by
this worde Clericus in the sayd tre
atyle is vnderstande only a Clerke
that is withi ordres / and nat euery
clerke that can rede. And than it ap
pereth farther by the sayde treatyse
that if he wyl haue the defence of y^e
church he muste confesse the felony /
for the seyde treatyse is / that he sub
myttyng himselfe to the lawe of the
realme shal haue the lyberte of the
churche. And by the lawe of the real
me he must confesse some felony be
fore he haue that lyberte. Neuer
thelesse bicause this article hath nat
ben

The fyrt chapter.

ben seen/ but seldom i vze it hath be
a doubte to many men whether the
Corowner shall be iuge i that maty
ter himself/ or whether the Corow
ner muste sende him to the kynges
iustyce/ and than they either to com
mytte him to the ordynarpe or to re
mytte him agayne to the sentwarpe
as they thynke ought to be done by
the lawe. But I suppose that i this
case the Corowner is the iuge. And
another complaynt that the clergye
made at the makynge of the sayde
treatyse called **Articuli Cleri** was
this. They sayde that though the
conusaunce made befoze him that is
nat iuge of hi that maketh the conu
saunce holdeth nat/ nor suffyseth nat
to make proces/ nor to gyue sentece
vpon. Neuerthelesse/ they sayd that
some sculer Iuges admytte the ac
cusation made by clerkes by waye
of approuynge or appelle/ though
they

The syxt chapter.

they be nat of their iurisdycyon as they sayde. But reteyne suche clerkes / that confesse before them their owne enoymous offences: as theftes/robbozies & manslaughter/and delyuer thē nat after to their plates though they be therupon suffyciently requyzed. Ne though before thē for all theire owne confessyon they maye nat be iuged ne condempned without brykynge of the lybertie of the churche. To this complaynte the sayde treatyse answereth thus: To an apprower asked by thozdynarpe in due forme as a Clerke / the benpfyte nor the lybertye of the churche shall nat be denyed. By whiche complaynte and answer made therupon / there semeth to appeare two thynges / one is / that the Clergye pretended that the confellyon of a clerke made before a secular iuge for murder or felony byndeth nat. The
seconde

The fyrt chapiter.

second is that they founde them greued/ that whan clerkes made suche confessions / & therupon approued other for the Kyniges aduauntage as they might do by the lawe. That than thoughe the ordynaries came and asked them as clerkes/ that yet the iuges wolde nat delyuer them. And that was trewe as the ordynaries sayd/ bycause they that the clerkes hadde appealed/ might offre to iopne battayle if they wolde/ which trpall by the lawe might nat be taken, fro him that was so approued. And as to that artycle the sayd treatyse assented to the request of y cler gye and graunted that he shulde be delyuered to the ordynarie whan he asked him. And so by that treatyse the iopnyng of battayle is take fro the appelle. But as for the fyrst artycle / that is to saye that secular iuges shulde be no iuges to clerkes /
the

The syxt chapiter.

the seid treatise regarded it nat/ but
leste it as it was befoze. And after
this varyaunce/ thus contynuyng
without accorde / clerkes were con-
tynually put to answere befoze the
kynge/ iustices as they were befoze.
In so moch/ that as well secular cler-
kes as chapelaynes/ and monkes/ &
other men of relygion were drawē
and hanged by the awarde of secu-
lar iustices / as appereth by the re-
cytall of the statute made in the .xxv.
yere of kynge Edward the thirde.
Pro Clero the .iii. chapiter/ which
the Clergye sayde was to the great
preiudice of the fraunches of holye
churche / and to the oppressyon of þe
Jurisdycyon thereof / wherfoze it
was accordyd and graunted by the
kynge in his sayd parlyament/ that
all maner of Clerkes as well secu-
lar as religiose þe shuld be frothen
forth couycte befoze iustices secular
for

The fyrte Chapiter.

foz any maner of treason oꝛ felonye
touchyng any other persone thā the
kyng oꝛ his royall maiestye shulde
haue & enioye frely from thens forth
the pꝛeuylages of the holy church of
Englande/ and shall be without im
pechement oꝛ delaye delyucred to þ
oꝛdinary whan they demaunde the.
And therbpon the Archbisshoppe of
Caunterbury / promysed that suche
couenable oꝛdinaūces shulde be ma
de foꝛ the sauegarde & chastysment
of the seyd clerkes/ so that none shul
de herafter take any boldnesse to of
fende foꝛ default of chastisment/ and
so it appereth that the intente of the
kyng and of his parlyament at the
makynge of the seyd statute/ was/
that in treason oꝛ felonye touchyng
the kyng / they shulde nat haue the
pꝛeuylage. And in the chapyter next
folowynge/ it is oꝛdeyned/ that cler
kes that be arrayned befoze secular
iustices

The iijth chapter.

Iustices / the which challenge their
clergie / and be demaunded by the
ordynaryes / shalbe forthw^t deliue
red vnto them without delaye. And
afoze that statute somtime the iuges
wolde remaunde clerkes to prison /
sayenge they had other thinges to
saye vnto them. And that is prohi
byted by the seyde statute / & after
in the fourthe yere of kinge Henry
the seuenth. It was enacted that a
clerke which was nat within ordres
and had his clergie / shulde be bur
ned vppon the lefte hande / in suche
maner as by the seyde statute appe
reth. And that if any persons at the
seconde time that he is arrayned de
maunde his clergie by cause he is
withi ordres / & hath nat his letters
there / nor thoordynaryes certifycat
that than the iustices shulde giue a
day by their dyscretioun to hym / to
brynge in his letters or certifycat / &
if

The lxxij chapter.

if he fayle therof at that daye / he to
be put fro his clergye . And so by
that statute it appereth that if a cler
ke that is nat within ordres be bren
ned in the hande / and than be made
a preest / and be after arrayned of fe
long & than he saith that he is with
in ordres / but he hath nat his letters
noz any certyfcat of thordynarye /
wherfore he hathe a daye to bzing
them in / accoꝝdunge to the seyde sta
tute of Anno quarto. And at the day
he faylleth therof / that he shalbe put
fro his clergye / and therof must ne
des folowe / that though he be with
in ordres / he shalbe put in executiō.
And furthermoze it is nat lyke that
there was any sufficient proufe shew
wed at any of the seyde parlyament
that it shulde be against the lawe of
god / that preestes shulde be put to
aunswer before laye men . For it is
nat to presume / that so many noble
princes

princes and their counseyle / ne the
 lordes / and the nobles of the realme
 ne yet the Comons gathered in the
 sayde parlyamente / wolde sto tyme
 to tyme / renne in to so great offence
 of conscience / as is the brekynge of
 the lawe of god . And if ther be no
 suffycient proufe / that it is agaynst
 the lawe of god / than the custome
 of the realme is good / to put them
 to answere vpon. And than is there
 great defeaute in all the clergie / that
 so depely hath respected the scyde cu-
 stome vppon a surmyse that is nat
 trewe / ne can nat be proued . And
 where dyuers spyrituall men haue
 in tyme past made pretence as well
 in open sermons / as in other comu-
 nycatyons / that it is agaynst the
 lawe of god to put preestes to an-
 swer before laye men. And for profe
 therof haue layde this texte.

Nolite tagere christos meos. p. ciij

¶

That

That is to saye / Touch nat my an-
 noynted / which they applye only to
 prestes. It is apparant that it is no
 lyttral expolycion / for after the let-
 ter of the seyd terte. It maye as wel
 be applyed to kynges / yea / and to
 enery christen man / as to prestes.
 And after saynte Augustyne / and
 saynte Hierome / there is no sence
 of scripture suffyciente to proue an
 argumēt but only the lyterall sence.

The .iiii. question the .vii. cha.

Wether any of the consti-
 tucyons prouyncyall be a
 gainste the kynges lawes
 and his prorgatyue or nat
 And of what effecte the expolycion
 of master Lynwode vpon the seyd
 constitucyons is of. The .vii. cha.

The answere to the .iiii. questio.
 It

The scunth chapiter.

IT is no dout/ but that dyuers
of the constitutyons prouyn-
cyall / & also of the Legantynes of
Octo and Octobon/ be dyrectely a-
gaynste the kynges lawes and his
pzerogatyue/ which can nat be here
conueniently reherced. And than it
must nedes folowe/ that the exposy-
cyon made by master Lynwod vpon
the same/ is agaynste the kinge and
his pzerogatyue. For vpon a feble
foundacyon can nat be sette a stable
byldinge/ wherfore it were righte
expedyent / that the seyd cōstituciōs
and legantynes so beyng agaynste
the kyng and his pzerogatyue.
And the seyd expositions also: shul-
de clerely be prohybit and rased out
of the bokes/ so that the younge men
that shall herafter sette them selfe to
stude the Canons / shall nat be dis-
ceyued therby hereafter as manye
haue ben in tyme paste.

C. it.

Whe

The eyght chapiter.

The .v. questyon. The .viii. cha.

Wether the treatyse that is cal-
led Circumspecte agatis / and
that is set amonge dyuers statutes
of this realme as a statute / be a sta-
tute oꝝ nat. The .viii. chapiter.

An answere to the .v. questyon.

The treatise that is recited in
the .v. question that is called
Circumspecte agatis / is recyted in
a constitucion prouyncyall / which
is in the seconde boke of the consty-
tucyons / and begynneth : Circum-
specte agatis & infra / in maner woꝝ
de foꝝ woꝝde as it is conteyned in
seyd treatyse / that is taken foꝝ a sta-
tute amonges the learners of the la-
wes of the realme / which also begin-
neth Circumspecte agatis / and it is
recyted in the sayde Constitucion
that

that it was taken out of the kynges
 answeres. But we neuer sawe any
 proufe that it was so. And there be
 in the seyde treatyse ouers thinges
 that be directly agaynste the lawes
 of the realme: as it is in this poite.
 That prelates for fornicatyon / or
 uoluptye / and such other: may some
 time assigne bodily payne / and some
 tyme pecuniate payne. And the law
 is / that prelates shall neuer assigne
 pecuniary payne for correction of sin
 but onely at the desyre of the partie.
 And also it is recyted in the seyde
 treatyse / ¶ if the prelate of any chy
 che / or his aduocate aske of a pson
 a penyon / that the sute shulde be in
 the spiritual court / and the lawe
 of the realme is eyn to the contra
 ry. And we thinke that if it had ben
 a statute / that the lawe shulde neuer
 haue ben vsed therein so directly a
 gainste the statute as it hath ben
 vsed

blesd. And in the .xix. yere of kyng
Edward the thirde in a writ of An
nupte brought in the kynges courte
agaynst the sayde artycle of the seyd
treatyse. It is sayde that the seyde
treatyse is no statute/ but tha it was
named so to be by the prelates. And
also the seyde writ of Annuptie / is
fuged to be mayntenable in the kyn
ges courte / and that is dyrectly a
gaynst the seyde treatyse of Circum
specte agatis / wherfore we thike it
is no Statute.

annuitie

The .vi. question / The .x. cha.

Wherther kige Lucys that was
the fyfte christen kyng of the
Bretons / in this realme / or kyng
Ethelberte that was the fyfte chr
sten kyng of Englyssmen / hadde
any lesse auctorite and power over
their

The nyynth chapter.

their subiectes after they were chris-
tened than they hadde befoze whan
they wer paynymes oꝝ nat. The .vi.
questyon / The nyynth chapter.

An answere to the .vi. question.

WE neuer sawe cause why kinge
Lucyus oꝝ kinge Ethelberte re-
cyted in the seyde lytelle Questyon
shulde haue any lesse auctorite ouer
thesee Subiectes after they were
Christened than they hadde befoze
whan they were Paynymes.
Howbeit truth it is that after they
and theyꝝ people were conuerted/
they might nat compel their people
to forsake the christen faith whiche
they had receyued ne to do any thin-
ge agaynste the christen faith / but
that was no bondage vnto them ne
abatynge of their power / but a
great libertye and fredome in god.
Wherby

The nyntythe chapiter.

Wherby they & their people were deliuered fro y^e bōdage of infidelitte y^e they were i befoze their conuersion.
i. ¶ And yf anye man wyl saye that the power of Princes shulde be abatted by the wordes that oure lordē sayd to his discyples Mat. 18. What so euer ye bynde vpon erthe shalbe bounde in heuyn / and what so ener ye lose vpon erthe / shalbe lost in heuen: And that by those wordes his disciples & their successours shulde haue power to make lawes / wherby princes and their subiectes shulde be bounde / and that therfoze the power of princes after the comynge of Chryste was abated eyn by the lawe of god. To that it may be answered that holyc scripture is nat to be expounded onely after the lytterall sence of the texte / that it is wrytten in / but after other textes of scripture concerning the same mat-
ter

last sence

The nyntythe chapter.

ter. And they to be so construed and declared / that there be no cōtrary sitie in theym / as vndoubtedly there is nat / if they be well and truly vnderstande. And accordyng to that sayenge there is a texte construed.

Luc. vi. that sayth. Et qui auferit que tua sunt ne repetas. That is

to say / If any man take fro the that is thync / aske it nat agayne. And if that texte shulde be onely taken accordyng to the sence of the same text withoute anye further declaratyon therof / than all propertie were put awaye / and lawes and iustyce concerninge goodes shulde nothing be regarded / wherby the hole commonwelth shulde be destroyed. And therefore that it was nat the mente of our maister Christ / that the seyde wordes shulde be so vnderstāde / it appeareth by the wordes that he sayde.

Mat. xix. Non facies furtū. Thou
shalte

The nyynth chapter.

Shalle do no thefte. And in that he
prohpybiteth thefte/ whereby is vn-
derstande generally the vnlawfull
takynge awaye of our neighbours
goodes. It appereth that whan he
speke the seyd wordes / Luc. vi. that
his meanige was nat that it shulde
be lausfull to take away the goodes
of his neyghbours/ ne that he that
they were taken fro ought nat by in-
stryce to aske them agayne. But ra-
ther that his wordes shulde gyue oc-
casyon to him that the goodes were
taken fro/ to prepare himselfe to suf-
fer the wronge as in his herte / and
to do nomore for the reuengynge of
the seyd wrongfull takynge, than
shulde be expedient to refoyme him
that vpd the wronge/ and to feare o-
ther that they shulde nat do lyke of-
fence. And to that intente charlyte
wyl that the owner shall aske his
goodes agayne. Also whan oure
lozde

lorde sayde to his Apostles. Luce.
xxii. (Judas than beyng one of the
apostles) I haue ordeyned to you
as my father hath ordeyned to me
the kyngdom of heuen / that ye shall
syte vpon my table in my kyng-
dome / wryng the twelue Tribes
of Israell. And it can nat be taken
that our lorde mente that the kyng-
dome of heuen was ordeyned to Ju-
das. For John. xiii. He called hi
the sone of perdyon / and therefore
the wordes that our lorde spake in
that texte / were to be vnderstande
of Marthias thapostell who our
lorde knewe shulde be chosen in the
place of Judas / and he that taketh
those wordes to be vnderstande of
Judas / as well as of anye other of
the apostles is farre deceyued. Also
the same text what soeuer ye binde
it to one intent / is construed accor-
dyng to the intent of the maker / that

is to say of our mapster Christe /
 nat onely accordyng to his wordes
 for his intent was that suche aucto-
 ritye as he wold his disciples shuld
 haue therby: shulde go to their suc-
 cessours to the ende of the worlde /
 and yet his wordes streche onely to
 the apostels selfe. But for asmoche
 as he came to make a lawe & Testa-
 mente that shulde contynue to the
 ende of the worlde. It is conuenient
 to thynke that his wordes shall be
 taken accordyng / for if his wordes
 shuld be taken to streche only to his
 dysciples / than by their death his
 wordes had ben deternyned / and
 that had ben a thynge of a small ef-
 fecte / for commynge so farre as he
 came / and for sufferynge so gret pay-
 ne as he suffered: It is no doubte
 therfore but that his wordes in that
 behalfe shall be taken to streche to
 their successours / and than spch his
 entent

crasore

The .ix. Chapter.

intent shalbe construed more largely than his wordes streche vnto as to the continuance of their auctorite/ why than shall nat his intent be construed more strayte than his wordes sounde vnto / for declaring what auctorite he wolde his disciples shulde haue especyally concerninge the power of princes/ seynge that he hath declared his intent himselfe / as it shall appere hereafter & he hath done / for declaration wherof it is to be considered that there be diuers auctorities of Scripture/ wherby it appereth that oure lord neuer intended by his commynge in to this world to take any power fro princes/ but that they shulde haue lyke power ouer their subiettes after his commynge as they hadde before and that may appere thus. He sayd Luce. xx. Reddite que sunt Cesaris Cesari. Et que sunt dei/ deo. That
is

The .iij. Chapter.

is to say / gyne ye to the Emperoure
that is his / and to god that is his.
And he also payd to the Emperour
tribute and what power enteded he
to take fro the Emperour that payd
him tribute / he also refused to de-
uyde the inheritaunce betwixt the ii
brythern / sayeng to them / who hath
ordeyned me to be deuyder betwixt
you. Math. xxii. As if he had sayd
though I haue power to do it: yet
I am nat come to execute y power /
but go ye to the Emperours lawes
that be ordeyned for it / he sayd also
Jo. xviii. Regnum meum non est
de hoc mundo. That is to say / my
kyngedome is nat of this worlde /
as who sayth though I be a kyng /
and that the grettest kyng that euer
was / and myght take all power fro
kynges and princes if I wolde / yet
I come nat to execute that power /
Christe also refused to be a kyng /
and

and so by all his dedes he shewed
playnly that he came nat to be a king
to take away any power fro pri-
ces that lyued in pouertye hi self / so
farre vnlyke to princes / & syth euey
dede of Christ is an instruction to
euey christen man. It must nedes
be so most specyally to his apostels
before all other to instructe them that
they shall do as Christ dydde: And
furthemore to proue that the mea-
nyng of Christ was nat that his ap-
postels & discyples shulde take any
power fro prices by any thyng he
had spoken to the of before: He sayd
to his appostles after his resurrecti-
on thus. *Accipite spiritum sanctum*
sicut misit me pater et ego mitto vos.
Joh. xx. Take ye the holygost as
my fader hath sent me / I sende you.
And certayne it is that the very in-
tente / why Christ was sente by his
fader into the worlde nexte to ouer-

The fourth chapter.

redemption / was to teche & preche the
truth / and to fulfill the wyll of his
father in mekenesse / pacyence / suffe-
raunce / & such other / and to enduce
the peple through his example and
doctryne / to dyspyle this worlde / &
to desyre the worlde to come. And
to the same intente Christ sente his
apostles / as appereth by the sepe
wordes / & nat to be lyke princes or to
take power fro princes / but onely
to order thynges concernynge their
ministracion / as to appoint in what
bred and wyne the sacrament of the
aiter shalbe cōsecrated & such other.
Also it appereth. Act. xiii. that the
holyghost appered to the ministers
at Antioche as they were ministrig
to our lord / and dilygent in fastig.
And commaunded theym to sende
Saul and Barnabe / into a worke
that he had appoynted them to.
And it appereth in y^e same chapter
that

that the worke that he appoited the
to/ was to preche Ihesu the sonne of
Dauid to be ysauiour of the world/
and how he was gyltlesse put to dethe
buried / and rose agayne the thirde
dape. And who can thinke but that
their successours were sente to the
same purpose as they were / and nat
to take vpon them many powers and
auctorities that many of them haue
vled in tyme past. And if it be asked
to what intente Christe than speke
those wordes. *Quodcumq; liga-
ueritis .xc.* If he ment nat that his
disciples shulde therby haue power
to make lawes to ordre the people /
for he speke nothing without cause.
It maye be answered that he gaue
them auctoritie therby / to seperate
euyl men for their offences / fro the
comunyon of the good people / and to
commaunde the good people also to
eschewe theire company / and to make

D

absolu

absolution therof agayne. &c. whiche
 che be great powers and maye do
 gret good if they be charytable put
 in executyon. But if they wyl de-
 clare the seyde texte/ in suche maner
 that they shulde therby take power
 fro princes which Christe lefte vnto
 them/ or to exalte their owne power
 moze than Christe gaue vnto them.
 Than princes maye resyst their de-
 claration theri. yea/ & ar bound to do
 it/ & there princes ought to be iuges
 takyng such of the clergie vnto the
 as they shall thynke conuenient.
 wherof vndoutedly there be righte
 many that wyl nat be blinded with
 suche worldy honour and vanyte.
 And so it semeth that the seyde texte/
 Quodcumq; ligaueritis. &c. shalbe
 taken specyally accoꝝdig to the effecte
 of the other auctorities befoze reher-
 sed: and nat onely accoꝝdyng to the
 lytterall sence of the same texte.

Also

Also though some men haue sayde
that our lorde gaue to his discyples
both powers. That is to saye.

Spyrituall and temperall / whan
the apostles sayde vnto him (Luc.

xii.) Lorde / here be two swerdes /

And he answered: That is ynough

And that he shuld mean therby that

he wolde that they shuld haue both

powers / for if he had nat ment so / he

wolde nat haue sayd of the .ii. swer

des / It is ynough. But it is to mo

che. And that therfore princes ha

ue had sythe that tyme their tempo

rall power of the spyrituall power.

To that it maye be answered / that

those wordes were neuer spoken of

those two powers / as the letter of y

seyd gospell playnly declareth: For

the letter is this. Our lorde a lyttel

before his passyon / sayde to his dis

cyples thus: Whā I sent you with

out secke / scryppe / o: shoes: dyd you

D.ii. wante



wante any thyng: And they sayde
naye. Than he sayde vnto them.
But nowe he that hath a secke let hi
also take his scryppe. And he that
hath no swerde/ let him sell his cote
and bye a swerde / for I say to you:
that it behoueth that that is wrytten
of me shalbe fulfilled. Et cum in-
quis deputatus est: that is to saye:
he is accounted among wyked men:
And than he sayd further: And truly
tho thynges that be wrytten of me be
nygh at an ende to be fulfilled: And
than they sayd/lorde/ lo here be two
swerdes/ and he sayde vnto them/it
is ynough. And Lyze whiche trea-
teth princypally vpon the lytterall
sence of Scripture / sayth that tho
wordes were spoken by oure lorde
to instructe his discyples / that some-
tyme it is lawfull for a man to defen-
de him selfe moderatly from perse-
cutours/ and that therfore the Appo-
stelles

The .ix. Chapter.

kelles beyng at that tyme well cou-
raged to defende them selfe / regar-
ged more tho wordes that our lord
spake of the swerdes / than they did
eyther of their seck / or of their scrip-
bes. And therfore they answered / he
re be two swerdes / & than he know-
ynge that it was the wpll of his fa-
ther that he shulde suffre deth for re-
demptiō of man: sayd: it is ynough.
As though he had sayd / those two
swerdes suffyce and be ynough to
defende me fro deth aswell as many
thousand of swerdes shulde do / for
I that accordyng to y^e wyl of my fa-
ther wyl wylfully suffre deth for mā-
loke for no defēce of swerdes. This
semeth to be the intente why he sayd
of the two swerdes / it is ynough / &
nat to sygnifye therby that thappo-
kelles shuld haue both powers spi-
rituall and tempozal / and if it shuld
be taken to be ment so , it shulde nat
be

The .ix. chapter.

be by a litterall sence / & after Saint
Augustyn and saynt Hierome / it is
onely of the lytterall sence of holye
scripture that a suffycient argumēt
may be taken / & so we thynke those
wordes to bere but a small effecte a
ny thyng to abate the power of pri
ces. And where some mē haue sayd
that the clergye haue auctozptie by
the gospel to here all causes that
shulde be shewed vnto them by any
maner of complaynt : and that that
shulde appere by the word; that our
lorde sayd. Math. xviii. If thy bro
ther offend the correcte him betwen
him and the onely / And if he here y
thou hast wone thy brother / and if
he here the nat / take with the one or
two wytnes / and if he here the nat
than / than shewe it to the chyrche /
and if he here nat the churche / lette
him be to the lyke an Ethenyke and
a publycan / and that in somoch that
the

The. ix. Chapter.

the goſpell cōmmanded to ſhewe
the offence to the chyrche / & ſheweth
nat in what caſes that it ſhall ther-
fore be vnderſtāde in all caſes / and
that bycause it is ſayd / ſhewe it to y
chyrche / that it was mente thereby
that it ſhulde be ſhewed to the cler-
gye: To that it maye be answered
that by that worde chyrche is nat vn-
derſtande only the clergye / for they
bindoutydly make nat the chyrche /
for the hole congregation of Chriſtē
people maketh the chyrche: And by-
cause the hole people of chriſtedom
can nat be gathered togyder / ſo that
they may haue ſuch matters ſhewed
vnto them all : therfore it can nat be
taken that our lord ment y it ſhuld
be ſhewed to al the people / for he cō-
maūded nothyng but that may well
& reſonably be obſerued: And ther-
fore whan it is ſayd ſhewe it to the
chyrche. It is to be vnderſtande ther
by

The nyynth chapter.

by / that it shall be shewed vnto the
that by the lawe & custome there vsed
haue auctorite to correct that offence
And therfore he that in this realme
wyl gyue charytable monycyon
to his neyghbour that offendeth in
suche a thyng as the kynge by his
lawes & custome of his realme may
lawfully punyshe / and he wyl nat
yet amende . Wherfore he sheweth
it to the kynge or to his iuges / or to
his iustices of peace i the cōtrey / or
other offycers that after the lawe &
custome of the realme may reforme
it. He hath therein right well ful-
fylled the gospel. And if the offence
be of such thynges as by the custom
of the Kealme be called spyrituall :
As it is of auoutry / fornycation / &
such other / wherof the clergy maye
holde ple. And therupon bycause y
partye that he hath gyuen monycpō
to / according to the gospel / wyl nat
amende

The nyynth chapiter.

amende / he sheweth it to the ordy-
nary or to his offycers. We thynke
that he hath also right wel obserued
the gospel. But to saye that y^e seyde
wordes (*Dic ecclesie*) shulde take a
ny power fro princes that they had
at the commynge of Christ / or that
they haue had syth that tyme by the
lawes & customes of theire realmes
and countreys. We thinke that the
seyde wordes do nothyng amount
vnto it. And furthermoze it shulde
seme to make a repugnauncy in scri-
pture. If it coulde be proued that
our lord gaue auctoritie to his ap-
ostles & discyples to make lawes /
that shulde take any power fro kyn-
ges. For it is sayde. *Psal. ii.*

*Et nunc reges intelligite eruditi
mini qui iudicatis terram.* That
is to saye. O ye kinges vnderstande
ye: and be lerned that iuge the worl-
de: by whiche wordes it appereth
that

The nyynth chapter.

that kynges iuge the worlde. And howe coulde that be trewe if the apostles & discyples of Christ & their succellours shuld haue auctozite to make lawes generally to bynde princes and their people: And scripture is alway true. Also it is wrytten.

Sapienc. vi. Rex sapiens populi stabilimentum est. That is to saie.

A wyse kyng is the stablenesse of his people: By which wordes it seemeth that it must of necessyte folowe that kynges haue also power and auctozite to stable their people. For wysdome withoute power can nat stable the people. But how can any kyng either by power or wysdome stable his people / if the clergy haue power to make lawes to bynde him and his people / onles that he shuld be taken as iudge ouer those lawes wherfore we thinke that lyke as kinges and prynces before they were cristened

The nynth chapter.

crystened / had power to order their
people after the lawe that they than
were of / and had power to auoyde
all suche thinges : as might bringe
any vnquyetnesse among their peo-
ple / that so the same princes after
they were conuerted to the chrysten
faythe / hadde as full power to kepe
their people in peace and quyetnes
as they had befoze they were criste-
ned. And that they maye auoyde al
thyng that might breke their peace
or bringe vnquietnesse amonge
their people / by what occasyō
so euer it shulde happen to
ryse / so that they offēde
nat the crysten faith
that they haue
receyued.

The seuenth question. the tenth Chapter.

Je

The tenth chapiter.



If a kinge that is an infydele wolde offre to be conuerted to the chziste fayth/ and to receyue al the arttycles of it / with all his people. But he wyl nat that his Subiectes shulde be bounde to breke their laboure / ne to kepe any holy dayes but onely the Sonday/ Ne that hys subiectes shulde be bounde to any lawes made after their conuercyon/ but onely by such lawes as shulde be made after the ordze and custom of his realme whe ther he oughte to be receyued to the fayth with those conditcyons oꝛ nat.

The tenth chapiter.

The answer to the .vii. questio.

The answer that is made to the syxte questyon/ sheweth sufficiently & playnly ynough how this

thys seuenth question may be answered. For if the Clergie haue auctorite by the lawe of god to make holydayes/ and also to make lawes to bind p[ri]nces and their people/ thā there maye be none that wyl be of christes fayth that shal refuse them / For euery christen man must specially p[ro]fesse to obserue and kepe the lawe of god. But if the clergy haue made holydayes and lawes by a fre consente and agreement of p[ri]nces & of the people/ or by graunte of p[ri]nces/ & nat by the lawe of god. Thā maye suche a kynge that is b[apt]ized / and desy[re]th to be crystened refuse all those holydayes & lawes for they be nat made by the immediate auctorite of the lawe of god/ But the Soudaye/ all crysten men be boude to kepe holi by example of our lord/ which in the seuenth day rested frome all workes that he had made.

made. As it appereth. Gene .ii.
 And yet we suppose that the Son-
 daye that is now vsed amonge cry-
 sten men / might be chaunged to a-
 nother daye in the weke by princes
 and their people / so that one day in
 the weke be kepte as a daye of rest /
 for prayer and contemplacyon. For
 it is but by the lawe & ordynaunce
 of man that the Sondag is kepte
 on this daye as it is now kepte a-
 monge christenmen / for among the
 iewes it was kepte on the saturday
 Neuerthelesse our meanyng is nat
 that it were good to haue the Son-
 day alteryd to any other day in the
 weke / for y day that it is now kept
 on semeth to be the most conuenient
 daye that can be appoynted for it.
 But our intent is to shewe how the
 Sondag is by the lawe of god / &
 howe it is by the lawe of man. And
 as for all other holye dayes they be
 but

but ceremonys brought vp by the deuoty on of the people / thow we the good ensample of their bysshoppes and prestes / whiche vndoubtedly lyued a blessed lyfe / in fastyng / prayenge / and contemplacyon / in the bygynnyng of the church / more purely than lay mē dyd / so farforth that princes seyng the grace and vertue that was in them / were contented to suffre them to do many thynges concernyng the good orde of the people / which they might haue done themselves if they hadde lyst : but princes haue nat alway accompted ceremonys concernyng the orderyng of the people / to be of suche weyght as they haue ben in dede : but haue holden them as small matters which haue ben very weyghty and therfore they haue suffred the Clergye to orde them whyles they haue benne busyed in weyghtier matrs

matters for the comō welth as they
 haue thought / though it haue natte
 alway ben so: for many ceremonyes
 be ryȝt mocht to be regarded & many
 persones haue benne punysshed for
 brykynge of them as greuously as yf
 they had offended agaynst the lawe
 of god and somtyme moze / and ther
 vpon in proces of tyme the people
 haue thought that the clergye haue
 ordered suche ceremonyes and ma
 de lawes theruppon by their owne
 power and by the immediat aucto
 ritye of the lawe of god / where it
 hath nat ben alway so in dede / but
 they ought in manye cases to haue
 put the princes and their people in
 mynde to haue done it / and that is
 the very dutye of a watchmā to put
 the rulers of the cyte in minde what
 thinges be lyke to be dangerous vñ
 to the cytie / and therupon to be cal
 lers on that remedy may be prouy
 ded

The tenth chapiter.

ded befoze the daüger come. But þe
clergye by such sufferāce (as befoze
appereth) haue takē vpon thē to oꝝ
dɔe suche thynges as by their owne
auctozite / & that hath caused moche
people to dɔede them & their lawes
moze than their pꝛinces / wherby the
power of pꝛinces to thē gyuen by
god / hath greatly decayed and ben
but lytel regarded / and by this suf
feraunce the clergye haue extended
their power vpon the people verye
greuouſly where vpon great grud
ges haue ryſen in manye places a
monge the people : wherfoze nowe
that ſuch grudges be knowne pꝛin
ces be bounden to knowe their own
power and omyttinge other thiges
that be nat for the tyme ſo neceſſary
for the comen welth / at bounde alſo
to put to their handes for reforma
cyon / and nat to ceſſe tyll they haue
brought ſuch maters to a good det
neſſe

The tenth chapter.
nelle. And as for other holydaies/
if the multytude of the be thoughte
hurtfull to the common welthe / and
rather to encrease vyce than vertue/
or to gyue occasyon to pryde rather
than to mekenesse / as parauenture
the synodales and pertyculer holy-
daies haue done in some places/the
parlyament hath good authozite to
reforme it. But as for the holydays
that be kepte in the honour of oure
lady/the possles/ and other auntyet
sayntes / they seme right necessarye
& expedyent to be cōtynued/ though
they be nat merely groundēd by auc-
torite of the lawe of god. Thus we
thynke that such a prince as wolde
be conuerted to the christen faythe
maye refuse any of the ceremonies
and lawes made by the Clergye in
tyme paste / and yet be receyued to
the principall artycles of the cristen
relygion.

The

The .xi. chapiter.

The .viii. question. The .xi. cha.

If a mā auowe to offre a hoxe
oz any other thyng to a saynt
befoze a certayne ymage / whether
that auowe muste vpon payne of re
stytucion be perfozmed quypcke oz
ded / oz nat. The .xi. chapiter.

An answere to the .viii. questio.

If a mā hau. auowed to offre
a hoxe oz any other thyng to
a saynte / byfoze a certayne ymage.
He that hath the profet of y offerige
there / hath after the lawes of the re
alme no proprietie in the thyng so a
uowed tyll it be offred in dede. For
after the lawes of the realme / suche
a vowe is but as a nude contracte /
and is voyde to all intentes / as to
the lawe / if it be nat perfozmed.

But if it be offred to the saynte ac

E. ii.

cordyng

The .xl. chapter.

cordynge to the auowe. **T**han he
that hath the profet of the offerynge
hath good propertie in it. Howbeit
if the partye yue we thinke it is ex-
pedient that he make his offerynge
in fulfyllynge of his auowe / onlesse
he haue an vrgent cause to lette him
that he maye nat do it. And if he ha-
ue suche a reasonable cause / than it
semeth that he may turne it to some
other good dede after his deuocion /
for the lawe byteth him natte to
any restytucion. And in lyke wyse
it is / if a man withoute haupnge.
Quid pro quo. promyse to gyue a-
nother .xx. ponde at a certayne day
that promyse in the law of the real-
me is also boorde / and is called in y
lawe a nude contracte / and none
accyon lyeth vpon that promyse.
For the partye is nat bounde in con-
science to fulfyll the promyse with-
out he intended to be bounde by his
promyse

The. xi. chapyter.

promyse whan he made it. But if
he vpon the promyse made an othe
that he wolde perfozme it / than we
thynke he is bounde in conscience
to perfozme it in sauynge of his oth
whether he entended to be bounde
by his promyse oꝛ nat / though he be
nat bounde therto by the lawe: But
to save that restitution must be ma-
de in this case to him that hath the
profyte of that offerynge / is but a
vayne sayeng. And the people wol-
de be playnly instructed therein / to
the entente that if any suche case shul-
de happen hereafter / that no man
shulde thynke him selfe bounde in
conscience to restitution where he
is nat bounde to it. And so to
haue a grudge in conscience
where it nedeth
nat.

The. ix. question / The. xii. cha.

¶

If the writte of Excommunicato
capiendo were put away by
parlyamente. Whether the keyes of
the churche were any thyng offen-
ded therby or nat. The .xii. chapt.

Answere to the .ix. questyon.

If the writte of excommunicato
capiendo. That is comunly
called a Significavit/ were put a-
way by parlyamente/ the keyes of
the church were nothyng therby of-
fended. For if the clergye make an
excommunication / & the party exco-
municate wyll nat obeie it/ but ob-
stynatly stande in his malpce / the
clergye by vertue of the keyes hath
no auctorite to imprison him there-
vpon / ne to compell him to any pe-
naunce/ ne to procede any farther bi
their owne power. But than it hath
ben vsed by a lawdable custome of
the

The .xii. chapter.

the realme in mayntenaunce of good
orde and vertu among the people /
That if the byshop certifie the kin
ge that suche an excommunicat pson
hath ben accursed .xl. dayes & wyl
nat be iustified by the censures of y
chyrche / as they call them / that than
the kynge of his specyall grace shal
directe the sayd write of Excommu
nicato capiēdo to the sheryffe where
the party dwelleth comaundynge
him therby to iustifye the party by
the body vntyll he haue satisfied y
chyrche / both of the contempt and
of the wronge. &c. And so it appe
reth that the grauntyng forth of the
sayd wrytie of Significauit depen
deth onely vppon the power of the
kynge and of his lawes & nat vpon
the imediate power of the clergye.
Therefore though it were prohibyt
the power of the clergye remayned
hole vnto theym as it dydde before.

Neuer

The .xii. chapter.

Neuerthelesse oure intente is nat to
proue that it wer good to put away
the seyde writte of Significauit.
For it is right good and conuenyēt
to be vsed whan the case requyrezeth.
But our intent is to haue it knowē
that the power of the grauntyng of
the seyde writte dependeth vpon the
sayd custome and lawes of the real
me / and nat vpon the power of the
Clergye : so that the Clergye maye
the rather perceyue what great fa-
uoure the kynge & his lawes haue
borne to the spyrituall Iurisdiction
vpon trust that they haue had / that
the spyrituall Iurisdiction wyl so
effectuously gyue eye vnto þe truthe
that none of the kynges Subiectes
shulde be vniustly greued by suche
excommunications. But if it shul-
de happen the people to be ouer-
moch greued therby. Than shulde
the kynge and his parlyamente be
bounde

The .xiii. chapter.

bounde in conscience to prouyde remedy in that behalfe / as shulde be thought expedient for the good pece and quyetnesse of his subiectes.

**The tenth question / The
xiii. chapter.**

Whether the article of y^e statute of Carleole that treateth of the comen seales of houses of relygion be a statute o^r nat. And if it be a statute / why it hath nat be put in execution. **The .xiii. chapter.**

An answer to the .x. questyon.

The article of the Statute of Carleole that treateth of the comen seales of houses of relygion is a statute / as the other chapters in the sayde statute of Carleole are.
And

The. xiii. Chapter

And we thynke ferther that two thi
ges haue caused the said statute nat
to be put in execucion / wherof one
is this. The wordes of the statute
are so vncertayn of them selfe that
the iudges coulde nat by the word /
of þ statute iuge by order of þ law
what was the beraye meanyng of
the makers therof for though it se
me that their meanyng was to pro
vyde remedy for the saue keepyng
of the comen Sealles of houses of
religion / and that lyke as the comē
Seales had ben in tyme past in the
keepyng of the Abbot or Prior or
other souerain only. &c. that it shuld
be fro thens forth in the keepyng of
the Abbot or prior. &c. And of .iiii.
of the most dyscrete brethern of the
sayd couēt: Yet neuertheles / the sta
tute is that it shal be put into the ke
pyng of the sayd fourc b. chern b. /
der the priuate seale of the Abbot /
and

The. xiii. Chapter.

and so the wordes that folow after
in the statute / þ is to say / so that the
Abbot or Prior of the house may in
no wyse make a contracte or obliga
cyon by him selfe / be boyed and of
none effecte / for natwithstandynge
that the comen Seale be in the ke
pyng of the foure brethren vnto the
pruate seale of Abbot: Yet may the
Abbot make a contracte or obliga
cyon / as well as he might haue do
ne befoze the makynge of the seyde
statute. And so the vncertainte ther
of is one cause why it hath nat ben
put in executyon. Ther be also dy
uers other statuts / wherein the mide
and intente of the makers / were nat
so playnly declared / that the iuges
after the orde of the lawe might iu
ge vpon them / tyll they were more
plainly declared and interpreted by
parlyament. For none maye inter
pretate a statute but the parlyament
only.

The .xiii. chapter.

onely. And one of the statutes that were in themselfe vncertayn for the Judges to iuge vpon is this. It was enacted in the seventh yere of kyng Rycharde the seconde the .xv. chap, That no man shulde cary / armour corne / bytaye / nor other refresshment into any party of Skotlande on payne of forseynture .ac. And for bycause Berwicke which is in Skotlande was nat excepted i the statute though it were than as it is now in the kynges handes: yet it was thought that the goodes caried thither were forseynt. And the Judges wolde nat take vpon them to enterprete the statute otherwyse than the expresse word; of the statute warranted the to do. Wherfore in y. xv. yere of his reygne it was declared by parliament. That it was nat thentent of the seyde fyrste statute / that they that caried anye bytayles to Berwycke

The .xiii. chapter.

wycke shuld conne therfore ito any
penaltie of that fyrst statute. Also a
statute was made in y. viii. yere of
kyng Hery the .vi. wherby it was
ordeyned y the chusers of y knightz
of the parlyamente shulde be of the
same countye / & haue landes to the
yereley value of .xl. shyllinges ouer
the repuses. But the statute sayd
nat expzessly that the chusers shulde
haue lades to the yereley value of .xl.
shyllinges within the same shyre /
wherfore som men were of an oppo-
nyon / that if he dwelled in the same
shyre and had .xl. shyllinges yereley
in another shyre that it sufficed / and
some other thought the contrary.

And that lyke as the entente of the
makers of the seyde Statute was
that suche an elysour shulde dwell
within the same shyre / that their
intente was that he shulde also ha-
ue landes within the same shyre.

And

The .xiii. chapter.

And finally the matter was shewed
in the parlyament in the tenth yere
of kynge Henry the syrte / where it
was inacted. That euery chawser
of the knyghtes of the parlyamente
shulde haue .xl. shilling; of freholde
within the same shyre. And so we
thynke that one cause why the seide
statute of Carleole was natte putte
in executyon / was the vncertayntie
of the wordes of the statute. And
therfore / if it were yct declared and
made moze certayne / we thynke it
were a right good dede. Another
cause why the seyde statute was nat
put in executyon / we suppose to be
this. That is to saye / that abbottes
and other spiritual me in tho dayes
pretended that it was nat in the po-
wer of the parlyament to ordre such
spyrituall matters / as they thought
the keepynge of the comen seales in
spyrituall houses was / & that ther-
fore

The. xlii. chapter.

foze / they ~~were~~ vnder the pretence
of a moze clere way in consyence en
couraged y iuges to sustre the seyde
statute to lye vnerexecuted / and what
so euer the occasyon therof was / the
truth is / that the seyde statute was
neuer yet put in execucion. But if
the statute were playnly declared &
put in execucion hereafter: it shulde
seme to be a right expedyente acte /
foz the well ordyng of many rely
gouse howses within this realme.

The. xi. questyō. The. xlii. cha.



If a man be accursed for
dysobeyenge of any of
the constytucyons pro
uyncyall or decrees that
be agaynste the kynges
lawes and his prerogatyue / what
daunger he renneth in by that exco
municacion, The. xlii. chapter.
An

In answere to the .xi. questyon.

If a man be accursed for dysobeynge of any of the constitucyons prouyncyall or decrees / that be agaynste the kynges lawes and his prerogatyue / or for anye cause wherof the sute parteyneth to the kynges courte / the excommunicacyon is nat suffycyente in the lawes of the realme / ne a significauit lyeth nat in suche case if the truth of the matter appere to the kyng / and if the bysshoppe certifye the excommunicacyon to the kyng / and sheweth nat the case therof. And therupon the excommunicate is taken by a significauit & put in prison / & than he by his frendes sheweth the matter before the kyng in his Chauncery / the partye oughte therupon to be deliuered out of prison. And if the bysshoppe wyl in nowyse assoyle him
whan

The. xv. chapter.

whan he is deliuered out of prison
he offendeth agaynst the kynge and
his lawes right greuously for deny
enge the absolucyon.

The. xii. question / The. xv. cha.

Wether the kynges Courte be
put out of iurisdiction for ty
thes by the lawe of god or by custoe
of the realme. The. xv. chapter.

An answer to the. xii. question.

The people be bounde by the
lawe of reason and also by
the lawe of god to gyue vnto theyr
spirituall mynysters a suffyciente
porcion of their goodes to sustayne
them with: But that the spirituall
mynysters shulde haue the. r. parte
in the name of yreasonable porcion
is onely by the lawe of man and by

I a custos

Some

a custome of the realme. And therfore if that .x. parte were nat suffy-
 cyent in any place for a reasonable
 sustentacion of the spirituall mynys-
 tres the people were bounde to gy-
 ue them moze. And yf it be to much
 and ouer greuous to the people / the
 parliament may moderate it. But
 than though a reasonable porcyon
 be due to the spirituall mynystres
 by the law of god as is sayd before
 yet that the sute shalbe takē for that
 reasonable porcyon in the spirituall
 courte yf it be denyed is only groun-
 dyd vpon a fauour that the kyng
 of this realme and the hole realme
 haue in tyme paste borne vnto the
 clergye / for though the porcyon be
 due by lawe of god: yet it were no
 thyng agaynste the lawe of god
 though the sute for the porcyon shul-
 de be takē in þ kynges courte: And
 parauētūre it were the moze indiffe-
 rent

rent wep if it were so / for nothe
they be both iudges and partyes /
but as for the tenth parte it is much
more stronger that the sute myght
be taken in the kynges courte with
out offendyng the lawe of god: and
so we thynke that the kyngs courtz
be put out of iurysdyccio for tythes
by a custome of the realme and nat
by the immediat power of the lawe
of god: And that it is so / it maye
moze playnly appere thus / longe af
ter that the kynges courtes of his
Benche and Comen place / and al
so other inferiall courtes were put
out of iurisdiccyon for tythes: Yet
nevertheles writtes of Scire faci
as were comenly sued in the Chaun
cerie for tythes / and the defendan
tes were ther vpon put to answer /
wherfore at the petycion of the cler
gy / and in cōsyderation of a dysme
that the clergye graūted to the kyn

ge it was enacted in the parliament
holden at westm in the .xviii. yere
of kyng Edward the .iii. the laste
Chapter that such writt; of Scire
facias shulde nat fro thennsforthe be
graunted for tythes / & that the pro-
ces than depending vpon such writ-
tes shulde be boyde / and that the p-
tyes shulde be dysmyssed afoze secu-
lar iudges of suche maner of ptees/
sauinge to the kyng suche right as
he & his auncestours haue had / and
of reason ought to haue / And by rea-
son of this statute no lute maye be
taken in the Chauncery for tythes /
but onely by the kynges patentess /
and therfore yf it were ordeyned by
parlyament that the lutes for ty-
thes shuld here after be taken in the
kynges courte. The parlyament
ought to be obeyed therin / as wel by
spirituall men as by tēporall. Now
be it we wyll nat fully afferme that

it

The. xv. Chapter.

tithe

it were good so to haue it ordered /
for as longe as the spirituall iuris-
diction wpll orde the lutes therof
there accoꝝdyng to right and good
indifferencye / it is sufferable that
the lutes be taken there for tythes
herafter as they haue ben in tymes
paste. But if they vse them selfe in
such percyall maner / that the peple
haue iust cause to complayne of the
parcyalyte / thā shall the parlyamēt
be bounde in conscience to loke dy-
lygently on the matter and to sec it
reformed. Also it is only by the cus-
tome of the realme / that dyuers thi-
ges be tryed by the spyrituall court
and nat by the kynges lawes : as it
is of this Issue. He is a monke pro-
fessed oꝝ nat professed / Dereyned oꝝ
nat Dereygned / admytted and insti-
tuted oꝝ nat admytted / able oꝝ nat
able / Bygamus oꝝ nat Bygamus /
playne oꝝ nat playne. All these Is-
sues

The. xv. chapter.

lues and many other may somtyme
be tryed by the ordynary / but natte
alway: for if such maters be pleded
in abatemente of the writte / or that
such matters be aledged i them that
be straungers to the ple: or if disaby
lyte be aleyed in one that is deed: or
if the ordynary certifye that he in
whom p^rofessyon is aleyed / is excep
ted from his iurisdiction. It shall
be tryed euyⁿ as the lawe is now /
by the kinges lawes. And if it were
enacted that it shulde be so in al ca
ses / the lawe of god were nothyng
offended therby. Howbeit we saye
nat this: to thentente it shulde be so
enacted / but that we thynke it con
uenyent that the clergy shuld know
that they haue that power by the fa
uour of the kyng and of his realme
by reason of a specyall trust and co
fydence that the kynges of this real
me / and the hole realme haue had in
the

The .xv. chapter.

the ordynaryes in tyme past. But if they mysordze them selfe therin / and refuse to obeye the kynges lawes / or clayme that power onely by the lawes of god / so that it maye in no wyse be taken fro them / where it is natte so in dede. Than as it semeth good charite wolde that to gyue the the more occasyon of mekenes / that they shulde knowe the power of the kynge and of his parlyamēt therin. And it is no dout but that the parlyament maye with a cause take that power fro them / and might also haue done lyke wyse before it was recognysed by the parlyamēt / and by the clergye that the kynge was the heed of the church of Englande / for he was so before that recongnicion was made: as all other cristen princes be in theire owne realmes ouer all theit Subiectes spirituall and temporall.

The

The. xvi. chapter.

The. xiii. question. the. xvi. cha.



Whether the Determinations
bpō certayn artycles here
after folowynge . and that
be recyted in the summes
called *Sūma angelica* & *Summa
rosella* / stande with the lawes of the
realme oꝝ nat. And if nat whether a
ny hurte maye come by them if they
be suffered to contynewe any lengre
oꝝ nat. The. xvi. chapter.

If a secular Iuge be needlygente
in doyng of Justyce / whether a spi
rytual iuge may compell him to do
iustyce / oꝝ to supply his come & here
the cause & it is said there y he may.
Sūma Ro. Juder. ii. para. iiii.

Whether the goodes of them that
minister the goodes of the churche
be bounde foꝝ the churche goodes.
And

The. xvi. chapiter.

And if suche ministers doo pledge
their good; for necessity to another
whether the goodes pledged stand
charged. And it is sayde there that
they do. Ro. pignus. para. ii. in pri.

Whether relygyouse persons shall
succeede to their auncestours. And it
is answered that they shall excepte
heres minours. Ro. religio. iiii.

(Para. xiii.)
Whether any gyfte betwene the
husbāde and the wyfe may be good
And it is sayd yea. whā the husbāde
gyueth it causa remuneracionis. ro.
in the tytle donatio. i. Para. x xii.

If a man do treason whether the
gyfte of goodes after the treason &
before atteyndre be good. Summa
an. in the tytle donacio. i Para. xii,
And it semeth there naye. And loke
Sū. an i p title alienatio. pa. xxiij

If

The. xvi. chapter.

If a man make a wyll and enter
into religton / whether he may after
reuoke the wyll. And it is sayd that
Freres Mynours maye nat and o-
ther may. Sū. Ro. in the tyle Do-
nacio. i. Para. xxxv. in fine,

**Whether all that is bought with
the money of the church be the chur-
ches. And it is answered ye. Sum.
Ro. in the tyle Ecclesia. i. Para. vii**

**Whether the bysshops palayes be
sentwary. And it is answered yes.
Sum. Ro. i the tyle Cmunittas.
ii. Para. xliii.**

**Whether the dignite of a bysshop
or presthod discharge bondage. and
it is sayd yes / but it is agreed that
they ought nat to be receyued ther-
to. &c. Sū. Ro. in the tyle Epus in
principio.**

Whether

The. xvi. chapter.

Whether a clerke be boude to pay any impositions or tallages for his patrimony or otherwyle. **Sū. Ro.** in the tytle excomunicacio octaua. pa. iiii. b. et vi. et diuisione nona. Para. i.

If it were ordeyned by statute that if a man sell. ac. that he shall giue to the kynge .ii. pence. whether a clerke be boude if he sell of his prebende. And it is sayde nay. **Sum. Ro.** in the tytle excomunicacio. i. diuisione nona. Para. iii.

If it be ordeyned by statute that there shall nat be layde vpon a deed persone but such a certayne cloth or thus many tapers or candeles) whether the statute be good. And it is leste for a question. **Sū. Ro.** in the tytle excomunicacio. i. diuisione. xviij. Para. viij. in fine.

Thinges

The. xvi. chapter.

**Thinges imouable of the church
maye nat be gyuen. Sū. Ro. in the
tytle feodum. Para. i. et vide ibi in
principio/ what feodum is.**

**To whom treasure founde belon
geth. And the answere therin vary
eth moch fro the lawe of the realme/
and is also agaynste the kyngs pre
rogatyue. Summa. Ro. in the ty
tle furtum. Para. xi.**

**The goodes of deed men go to þ
heyrres / and that of dampned men/
and by that terme goodes they vn
derstande landes & tenymēt. Sū/
Ro. in the tytle hereditas. Para. i.**

**If good; be foude that were lefte
of the owner as forsaken who hathe
right to them. Sum. Ro. in the ty
tle inuenta. Para. ii. et vide. Sum.
Ro. in the tytle. furtum. Para. xvi**

If

If a man bequeth another mans
good of what effecte it is. *Sū. Ro.*
in the tytle legare. para. i. et .ii.

If a man bequeth to his wyfe his
ornamentes whiche haue certayne
golde and Iuelles vpon the that is
nat lawfull to vse after the statutes
of the countrey. whether the golde
& Iuelles passe. *Ro. Legare. para.*
(xiiii, et xv.

If a mā bequeth to his daughter
whā she maryeth a certayne some of
money / & she entreth in to relygion
whether the bequeste holde. *Ro. in*
the tytle legare. *Para. xxvii.*

If two haue an house in comen
and one wyll sette it / and the other
wyll dwell in it / who shalbe prefer-
red. *Ro. locatio. Para. vi.*

wherby y rent of a thig let to ferme
shalbe

**Shalbe released. Ro. locacio. pa. ix.
et. x. And it is sayd by tempeste and
enemyes. xc. et vide pedagiu. xvi**

**Whether the rente shalbe encrea-
sed if the thyng be amended of
it selfe. Ro. locacio. Para. xi. et. xii.
And it is saide if a myll encrease by
Decaye of other mylles/ the réte shal
(be encreased**

**If a prelate relygious without
assente of the couente make a lease
for terme of lyfe/ or to a certayne ter-
me/ he is suspended/ & nought goth
to þ graútee. Ro. locacio. pa. xxi**

**Whether lādes of the church may
be pledged. Ro. pignus. para. vi.**

**Whether a prescription serueth a
gaynste him that hath payed a thig
longe without cause. And it is aun-
swered naye. Ro. pscriptio. pa. xxi
Whether**

Whether vpon a nude contracte
may be grounded any accion. And
it is sayd yea. Ro. pmissio. pa. v.

If a monke that is fugyttive / or a
postata come to goodes / to whom
belogeth the goodes. And it is said
there to the monasterpe. Ro. rel
gio para. i. and Loke. Ro. religio.
.iiii. para. xii.

Whether goodes that a man ge
ueth to the monastary that he goth
to folow him if he go to another mo
nastery. Ro. religio. iiii. Para. xi.

An answere to the actycles con
tryued in the seyde. xiii. question.

We thynke that all the seyde acty
cles be eyther agaynst the kin
ges lawes / or els that they be of non
auctorite in this realme. And there
fore

foze whosoever in this realme orde
their conscience after the Determy
nacions of the seyde somes mencio
ned in the seyde .xiii. questyon / and
by the auctorite of the seyde sommes
we thynke they erre in conscience.
And we thike ferther also that it is
very lyke that some spirituall men
in at bytremetes & other counsellors/
and also in their iugementes have
ben disceyued therby in tyme past.
And that it is very lyke that many
of them wyl be so / tyll a playne de
claracyon be made therupon / accor
dyng to the lawes of the realme.
And the daunger is such / that they
that gyve sentence accordyng to y
seyde artycles or any other that be a
gaynst the lawe of the realme bynde
themselves therby to restitucion nat only
of the thinge in variace / but also of
all the cost & damages that the ptye
shall sustayn by occasion of y same.

The

The. xlii. chapter.

C The. xlii. questio. the. xlii. cha.

What shulde cause the hyghest
comē welch now in these daies
The. xlii. chapter.

C An answer to the. xlii. questio.

The hyghest comē welch that *comē w*
could be now in these dayes
wer this. That al kynges & princes
wolde fall to a lounge pease and
concorde togyther / & that they wold
than consyder what highe power &
auctorite they haue receyued of our
lorde ouer his people / & how strait
accōpte they haue to make therfore
herafter / and that they wolde ther
upon with all dylgēce fro tyme to
tyme put that power in execucion
to the honoure of god and welch of
the people. And that they specially
by such counsell as they shall thiike
B most

most disposed to save the truthe.
 Have this verse whiche is witten.
 Psalmo. ii. Et nunc reges intelli
 gite erudimini qui iudicatis terrā.
 And this text. Rex sapiens: populi
 stabilimentū est. which is Sap. ii
 Playnly and truly expounded and
 declared vnto them / and diligently
 to folowe the same. And certayne it
 is that he that sayde. My delyte is
 to be with the sonnes of men / wolde
 nat haue his people lyue out of or
 dze / ne be blynded with darkenesse
 of ignoraunce. And if the seyd textes
 be wel vnderstande / it wyll appere
 therby / that the high iugemente is
 in princes / and that it lyeth in prin
 ces to appease all baryaunces and
 vnquyetnesse that shall ryse amōge
 the people / by what occasion soeuer
 it ryse spyrituall or temporall / and
 it wyll appere therby also / that the
 kynges grace hathe nowe no newe
 aucto

order

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The .xviii. chapter.

auctorite by that / that he is cōfessed
by the clergy / and auctorised by the
parlyamēt to be the heed of the chur
che of Englande. For it is but only
a declaracyon of his fyrst power by
god commytted to kynglye & regall
auctorite / & no newe graunte. and
that for all the power that he is the
heed of the churche / that yet he hath
none auctorite to minister any of y
sacramētes / ne to do any other thig
spyrituall / wherof oure lorde gaue
power only to his apostles and dis
ciples. And bycause princes haue
nat herte tofore commonly ben le
ned of theym selfe to knowe their
owne power in all thynges to them
commytted by god. It is therfore ex
pedyent that they haue trewe / iuste
and indyfferent counseyle / as well
spyrituall as tempozall / the whiche
as minysters vnder them / maye fro
tyme to tyme declare their power

faciment

*and to y succ
take p ix. ca*

G. ii.

vnto

The .xviii. chapter.

Vnto them / and put them in mynde
what is expedient to be done for þ
cōmen welth: settynge alwaye truthe
before their eyen / with þ faithe and
obedyence that they are bounde to
bere vnto their pꝛince / (specyally cō-
cernynge the power and auctorite
that he hath receyued of god / for
myndracyon of Justyce vnto his
subiectes / and for keepynge of them
in peace and quyetnesse.

Of dyuers auctorities and rea-
sons / wherby many haue pretended
in time past / þ the clergy shuld haue
both powers / þ is to say spūal & tem-
porall / with answeres to the same
reasons. **The .xviii. chapter.**

*** The fyrst reason is this.**

Our lord sayde to his discy-
ples. Math. xviii. Quodcu-
mq; ligaueritis sup terram erit
ligatum

The .xviii. chapter.

ligatum et in celo. Et quodcumq;
solueritis super terram erit solutū
et in celo. And than they saye that
he that gaue the auctorite to bynde
and lose all thyng / gaue them auc
torite to make lawes of all thynges:
And lawes of al thynges can nat be
made without power / as well spy
rituall as tempozall. &c. wherefoze
they saye it must nedes folowe that
the clergye hath both powers.

The seconde reason.

Also the apostles sayd to our
lozde. Luc. xxi. Here be. ii.
swerdes / and he answered that suff
sith. And than they saye / that by
these two swerdes are vnderstande
both powers / that is to saye spūall
and tempozall. And than they saye
farther / ꝑ if our lozde had thought
hose powers to moche for his apo
stels

The .xviii. chapter.

telles/ that he wolde nat haue sayd
of the two swerdes/ it suffysyth/ but
it is to moche.

The thirde reason.

Also it is sayde. Mat. xviii.
A If thy brother offende the/
correcte him betwene him and the/
and if he here the/ thou haste wonne
thy brother: and if he here the nat/
take with the one or two wytnesse.
And if he here the nat than / shewe
it to the church / and if he here nat
the church / let him be to the as an
Ethynke and a publican. And than
they say that by those wordes: shewe
it to the church / is vnderstande the
spiritualtye. And that / in that it is
sayd / if thy brother offende the .ac.
and sheweth natte in what offence
that it is vnderstande of all offences
Spirituell and Tempozall. &c.

The

The .xviii. chapter.

The answere to these .iii. reasons
before/ appereth in v. ix. chapit
of this boke.

The fourth reason.

Also it is written. *Primo ad
Corinth ii.* Spiritualis
autem iudicat omnia et ipse a nemi
ne iudicatur: That is to saye/ A
spirituall man iudgeth all thynges/
and he is iuged of no man. And thā
they saye/ than he that maye iuge al
thynges hath power as well spiry
tuall as tempozall. &c.

An answere to this .iiii. reason.

The wordes of the Appostle in
this place ar of this effecte that the
spirituall man/ that is to say/ a mā
that foloweth the iugemente of the
spirit / Iudgeth all thynges as they
be: That is/ thynges worldly to be
but vayne/ disceytfull/ and of short
abydyng

Synat

The. xviij. chapter.

abydyng / and thinges gostly to be
sothfast / true / and alway abydyng.
And ouer that for the more clere vn-
derstandyng of this texte of the a-
postel. It is to vnderstande that by
this terme spūall / is nat vnderstāde
spirituall men after the comen vse
of spekyng / wherby all of the clerg-
ye are called spirituall men. For
it is no doute but that many of the
clergye are more worldly and more
carnall than many of the laie men
be. And it is natte agaynst the per-
feyccyon of the hole clergye / though
they cōfesse that some of them be so.
Ne it stādeth nat with charite / that
if any man wyl laye abuses in soe
of the clergye / that they shuld ther-
fore coniecture or make other to con-
iecture ꝑ he that so doth loueth nat
prestres / or hateth their ministracōn
and there wylbe no parfet vnite as
longe as the clergy wyl rather fide
defaute

The .xliii. chapiter.

Defaute at them that speke of suche
abuspons in the clergye/ than to do
that in them is to reform them/ and
so by that terme spūall that the apo-
stell spebeth of is vnderstand a mā
that lyueth after y spirit / as is said
befoze. And therfoze he that taketh
the texte to be vnderstande / that a
spyzituall man shall iuge all thinge
takng by that terme spiritual / the
clergye taketh it clere contrarpye to
the mynde of the apostell. ꝛc.

The fyfth reason.

Also it is wrytten. i. Cozinth.
vi. Nescitis quia angelos
iudicabitis/ quāto magis secularia
That is to say / Knowe ye nat that
ye shall iudge aungels/ howe moch
more shal ye iudge secular thinges.
Wherby some of the Clergye haue
sayd that the clergye ought to iuge
secular

The .xviii. chapter.
seculer thynges. For they saye that
the sayde epystell was wrytten to the
clergy at Corinth. &c.

An answer to this .v. reason.
The wordes of the apostle that
are recyted in this, v. reason/ were
spoken to al the cristians at Corinth
and nat only to the clergy there: as
it appereth in the fyrste chapter of
the seyde seconde epistell to the Cor.
For it was made to his discyples.
Tymothye. Et ecclesie dei que est
Corinth. That is/ To Thymothy
and to the churche of god that is at
Corinth. And by that terme: The
church of god at Corinth/ is vnder
stande the hole congregation of the
faythfull people at Corinth/ & that
they all shall iuge aungels. That
is to saye/ that they shall approue y
sentence of god gyuen vpon angels
good & bad/ as euery good crysten
man

The. xlviii. chapter.

man shal. And nat only þ the clergy
shall do it. And therfore they that
take that texte to be spoken onely to
the clergy / take it contrarpe to the
texte / and also contrary to the mide
of the appostell .xc.

The. vi. reason.

Also Gene. i. it is sayd / god ma
de. ii. great lyghtes: The son
ne þ is the spiritualtye / that it
shulde gouerne the daye / that is to
saye thinges spūall. And the mone
that is the Emperour oꝝ the kynge /
that it shulde gouerne the nyghte.
That is to saye / temporall thinges
But the mone hath no lyght / but of
the sonne. And no more hathe the
kynge oꝝ emperour but of the spyr
tualtye. .xc. And therfore they saye
that the clergye haue both powers /
The one in possessyon / the other in
right

The .xviii. chapter.
eight. Howbeit that they haue com-
mytted the ministracyon of thinges
tempozall/ to tempozall men,

An answere to this. vi. reason.
That expolicion wherby the spi-
ritualtye is compared to the sonne /
and the tempozaltye to the mone in
the sayd .vi. reason/ is no lytterall
expolicion/ and there is no sence of
scripture suffycient to proue an ar-
gumēt by but only the lytterall sēce.
And so that .vi. reasonē is of small
effecte to proue that the clergye ha-
ue both powers/ for it may as lyght-
ly be denied as assermed.

The seuenth reason.

Also Theodosius themporous
enacted / and Charles confer-
med it : That who soeuer had
any barypance and wolde put it to
the

The. xlii. chapter.

the iugemēt of the byſhoppes. &c.
That anon without any doutynge
it ſhall be ſente to the iugemēt of the
biſhops. &c. De iudiciis. Ca. nouit.

An anſwere to this. vii. reaſon.

Though Theodoſius enacted &
Charles confermed it / that who ſo
euer had any variaunce and wolde
put it in iugement of the byſhops/
that anon without doutynge it ſhuld
be ſent to the iugement of the byſ-
hoppes: yet that graunt is of none
auctorite in this realme for the kin-
ges grace here knoweth no ſuperi-
our vnder god: And therfore fro hi
lyeth no appeale. And ouer that / if
the kiges grace made ſuch a graūte
to his byſhops in this realme / that
they might holde ple of Tempozall
thynges / the graunte were voyde.
for it were agaynſt his lawes. And
furthemore we knowe no auctorite
to

The .xviii. chapter.

to proue that the seyde Emperours
made the seyde graūt & confyrmacion
but onely the recyall of the seyde
lawe made. ex. de iudiciis. Ca. no.
uit. And that semeth nat suffycient
to bynde the Emperoures / ne their
successours / onles their assent could
be proued by other suffyciente mat-
ters of recoꝝde.

The .viii. reason.

Also it is sayde Deutro. xviij.
If any thyng be harde and
doutfull to the: bytween blode
and blode / cause and cause / lepye
and lepye / & thou seest the iugement
variant bytween the persones / thou
shalt come to þ prestes of the Leuy-
tycall kynde & to the iudge that shal
be that tyme / which shall shewe the
the truth of the iugement / and thou
shalt do what so euer they that be
there

there in the place that our lord hath
chosen: saye / and thou shalt folowe
their sentence / and than they saye
that syth prestes in the newe law be
of no lese auctorytie and power thā
prestes of the olde lawe were &c.
that they ought to haue no lese auc-
torytie and power than the other
hade / but rather moze.

An answere to this. viii. reason.

C It is no dout but that the offyce
and ministracyon of the prestes of y
newe lawe are moze notable & moze
worthy than the offyce or ministra-
cyon of y prest of the old law were:
For they were i a derknesse these in
the lyght. They in fygure / these in
truth of the thinge fygured. And
therfore for the highnes of their auc-
torytie in spūall thynges / the iuge-
ment & orderynge of temporall thin-
ges is the moze vnconueniente for
them

The .xviii. chapter.

ffirm

them. And for that cause it was that
the apostels said. Act. vi. It is not
mete for vs to leue the worde of god
and minyster to y tables. And sith
the appostles thought that the mini
stracyon to the tables / thoughe it
were a right charitable dede / was
bunmete for their offyce which stode
specyally in preachyng and techyng
and in prayer and contemplacyon /
and other ghostly counseyls and mi
nistracyons to the people. How far
bunmete is it thā to their successours
to take vpon them as it were a dede
of highe pfectyon / to iuge betwixt
cause and cause / tytle and tytle / as
well of landes & tenementes / as of
goodes and catales. yea : and some
tyme of thynges concernynge the
lyfe of man. Therfore the same rea
son that is made to proue y bycause
the auctoritie and power of prestes
in the newe lawe / is nolesse thā the
aucto^r

The .xviii. chapter.

auctorite and power of the prestes
of the olde law was / & that therfore
they shulde haue as moch auctorite
to iuge betwyrte blode and blode /
cause and cause / leprye and leprye as
the other had / maketh right strong-
ly agaynst the. And further it is to
be noted that in þe seid texte of Deu.
xviii. It is nat sayde onely that the
partye shall come to the prestes of þe
leuytycall kynde / but that he shall
come also to the iudge that shall be
that tyme / but whether that iudge
muste be of the leuytycall kynde or
nat it doth nat appere. &c.

The .ix. reason.

Also in this mater it hath be
sayde / that Emperours at þe
begynnyng had some right in the
Empyre / but for their sine that they
dyd agaynst holy sayntes / and that
specyally agayste the high bysshops
they

The .xviii. chapter.

they were depzyued of the right of
Emppre / and that the right therof
was translated vnto the church / for
he deserueth to lese his priuilege &
abuseth the power to him comitted,
xi. q. .iii. Ca. priuilegium.

An answere to the .ix. reason.

The Emperours had tytle to the Em
pyre of the immediat gyfte and or
dynaunce of god long tyme before
the comynge of Christ / and it appea
reth nat that euer Christe toke that
power from them. And though some
of them mysbemeaned themselves a
gaynst holy sayntes / and that spe
cyally against the high bisschoppes.
Yet why they / or their successours
shulde therfore lese the right of the
Empier which was gyuen to them
of god. There is no reason / for
though some of the were euill / the
successours might be good: as vn
doutedly

doutedly many of theym haue ben,
And some tyme an euill man is suf-
fered of god / for the proufe of good
men / & ouer that admytte that they
wer worthy to be depriued for their
offences fro the right of the Emper
Yet why that right shulde be tran-
slated to the churche / it wyl be har-
de to proue it by reason. For as for
to the lawe that is aleyed for y prou
fe therof. that is to say. xi. q. iii. Ca.
Priuillegiū. That he deserueth to le
se his priuilege that abuseth the po-
wer to him comyted / proueth no-
thyng that it shulde be translated
to the churche / takige by that terme
church / the bysshops and clergye.
For it is no dout but that the emper-
ours receyued nathe empyre of y
Clergye / wherfore it semeth y that
reason is but of lytell strength to pro-
ue y both powers / y is to say spūal
and tēperal shulde be in the clergy.

D.ii.

The

☞ The tenth reason.

Also it is sayde. *psal. lxxi.*
Deus iudicium tuum cegi
da et iusticiam tuā filio regis: iudi
care populum tuū in iusticia et pau
peres tuos in iudicio. That is to
saye/ O lorde god gyue thy iuge
ment to a kynge/ and thy iustyce to
the sonne of a kynge: to iuge thy pe
ple in iustyce/ and thy pooze folke in
iugemēt. And thā this reason hath
ben made ther vpon/ that these woꝝ
des were spoken lytterally of christ
as they were in dede / as a prayer ꝑ
the father of heuen wolde gyue his
iugement & iustyce to Christ. And
they saye as the trouth is / that that
power was fulfilled i Christ: as it
appereth. *Joh. v.* Where it is sayd.
Pater omne iudicium dedit filio.
The father hath gauen all the iuge
ment to his sonne. And also chryste
sayth himself. *Mat. xxviii.* All po
were

The .xxiii. chapter.

wer is gyuen to me in heuen and in
erth. And than this reason is made
further. That that power þ churche
had he neuer gaue to emperours or
kynges/ but to his discyples/ whan
he sayd to them. Quodcūq; liga. &c
Wherfore bothe powers spūall and
céporall syth the tyme of churche hath
ben in his appostels and discyples
and in their succellours.

An answer to this tenth reason.

It is no dout but that all power
was in Christ/ in heuen & in erthe/
both of bodyes & soules / lādes and
gooddes/ lyfe & deth. But it is as ly-
tell a dout but that Christ neuer ga-
ue al that power to his apostels nor
discyples / ne yet he gaue nat to the
all the power that was in him con-
cernynge the ministracyon of the sa-
cramentes/ wherof he commytted a
right

The .xliii. chapter.

right high power vnto them: as to
minister any of the sacramentes but
in due mater / as in water / bred / and
wyne or such other / as he might ha-
ue done him selfe: Ne yet he neuer
graunted power vnto theym to doo
myracles by their own power / as
he him selfe dyd. And syth he graū-
ted nat to them power to mynyster
the sacramentes but in due matter /
which if he had done / it had nat dy-
mynisshed the perfeccyon of their
ministracyon / but gretly enlarged
it. It is nat to thinke that he wolde
gyue them power ouer such thiges /
wherby they shulde be the moze vn-
apte and vnable to vse the spiritual
ministracyon to the people that he
had gyuen vnto them: as is the me-
delynge with tempozall matters &
tempozall busynes. And howe gre-
at perell and daunger hath comen
therby / as well to the hurte of their
owne

The .xxviii. chapter.

of one soules as of the soules of many other/ no man knoweth but god alone. And for as moch as it is beynde lyke that spyrituall mynysters wyl nat frely remoue them selfe fro such Tempozall power and Tempozall busynesse. All christen princes are bounde in conscience as well for the helth of the soules of all spyrituall mynysters as of all other people that they haue taken charge of / to remoue the occasyons that haue caused theym to set theymselfe so fully to the medelynge of Tempozall thynges as many of theym haue done in tyme past.

The

The .xliii. chaptee.

The .xi. reason

Our master Christ sayd to his
lxiii. discyples. Luc. x. He y^e he
reth you / hereth me. And vpo these
wordes this reason hath ben made /
that for as moche as our lord speke
the seid wordes generally to his dis
ciples / to whom all prestes be succes
sours : and shewed nat what tyme /
ne wherein they shulde be herde / that
hys wordes muste therfore be taken
to be of this effecte / that he wolde
that his disciples & their successeurs
shulde be herde and obeyed as well
in thinges spyrituall as tempozall /
wherof it muste nedes folowe that
they haue both powers / That is to
saye spyrituall and tempozall.

An answer to this .xi. reason.

It is to be vnderstande / that the
same tyme that oure lord speke the
sayd

The .xviii. chapter.

seyd wordes to his discyples / he sente
them forth to preach in to euery cyte
and place where he shuld come: and
at that sendynge forth he sayde to
theym on this maner: The heruest
is great: the workmen be few: pray
ye the lord of y^e heruest that he s^ede
workmen in to his heruest: Go ye
forth. Lo / I sende you as lammes
in the myddes of wolues / Bere nei
ther secke / scrpppe / nor shoes / and
salute no man by the way: In what
house so euer ye enter fyrst say / peace
be to this house / and if the sonne of
peace be there / your peace shall rest
vpon him / and els it shall retourne
agayne vnto your selfe: In y^e same
house abyde ye / eatyng & drinkyng
such as they haue. Truly the work
man is worthy his hyre / go nat fro
house to house, And into what cyte
soeuer ye enter & they receyue you /
eate that is set befoze you / and cure
the

The. xliii. chapter.

the fyke folkes that be in it / & save
vnto theym / the kyngdome of god
shall drawe nere vnto you. And i to
what cyte soeuer ye entre / & they re-
ceyue you nat / ye shal go to the stre-
tes and saye. Lo / the duste that cle-
ueth to vs of your cyte we cast vpon
you. Neuertheles knowe this / that
the kyngdom of god draweth nere.
And thā after certayne wordes that
he spake to them concernynge suche
cyties as wolde nat receyue thē / he
sayd the word / before reherced / He
that hereth you / hereth me / whereby
it appereth that his meanyng was
to haue the people here bys discy-
ples whan they preached such thin-
ges as he commaunded them to do /
that is to saye. That the kyngdom
of god drawe nere / as if he hadde
sayde. Whan ye preache that I com-
maunded you to preache / and as
I my selfe do preache of the kyng-
dome

The .xliii. chapter.

dome of heuen / and vse youre selfe
as lambes amonge the people / than
he that hereth you / hereth me / for ye
speke in me / and I in you. And thā
also all they that heare you and fo-
lowe your teachynge shall haue as
moch rewarde as if they had herde
me parsonally and folowed my tea-
chynge. Furthermoze it is nat lyke
that the meanyng of our lo:de was
by those wordes that his discyples
shulde haue both powers spirituall
and temporall : for if he had enten-
ded so, he wolde nat haue sent them
forth so poorely as he dyd withoute
secks / scryppe / or shoes / and bydde
them lyue of their prechynge. The
effecte therfore of the seyde wordes
is this. That whā preachers preche
the gospel cruely vnto the people &
declare vnder what maner y^e kyngdō
of heue map cōe vnto thē / y^e they be
thā reuerently & deuoutly herd. But
if

The .xix. chapter.

if they pretende to haue by that text
or any other: more worldly honour
power/ or rycheffe/ than our master
Christ lefte vnto them/ than the peo-
ple at nat bounde to obey theym in
that pretence.

Of abusions and defautes in the
clergy / concernynge the lawes of
the realme. The .xix. chapter.

EYest/ it hathe ben a great de-
faute in dyuers of the clergy
that they haue reported & affirmed
in tyme paffe/ that the statute made
in the .xlv. yere of kinge Edward
the thirde/ concernynge the tythige
of wood that is comenly called the
statute of *Silua cedua*/ is agaynst
the lawe of god. And that yet nowe
that some questyon hath of late ben
moued therupon / none of them en-
deuoureth

deuozeth him selfe to proue it is so
ne yet to haue the matter sette in a
good cleare waye: but as it semeth
force lyttell / though the matter rest
styll in barpaunce as it hath done
before: & yf it be so suffered to con-
tinue / great barpaunce wyl folow
therbpō: for the one lawe wyl that CC
the tyth wode be payed / & the other
lawe clerely prohibyteth it.

¶ Also it hath ben a great defeaute
in many of the clergy / for that they
haue made pretence in tyme paste /
as wel in open sermons as in other
places / that it is agaynste the lawe
of god / y^e prest shulde be araigned
before laye men / and that yet they
haue nat endeuored theselve to shew
any sufficiente auctorite to proue y^e
it is so / & clerely to stable the real-
me in that behalfe / but rather shew
thelself content that the mater shuld
continue in barpaunce / as it hath
done

done in tyme past.

Also it hath ben a tyght great default in many of the clergie that serpyng that they haue made pretence openly that it is agaynste the lawe of god / that prestes shuld be arrayned before laye men / and that they haue yet opely preched and taught / yea / and executed it in dede openly byfoze the face of the world / that if a prest be degraded & than he may be put in execucion: for though he be degraded he is a prest as he was before / bycause the character is indelible. And so that pretence of degrading semeth to be none other / but an illudgng of the truth. And that the bysshops wolde bringe the matter to that poynte / that such prestes as they wold haue arrayned afore laye men shulde be arrayned / and that none other shulde.

¶ Also sith the knowlege of the lawes

Wes of the realme is in many cases
necessarpe to all men in this realme
for the clere orderpng of conscience
and for gyuyng of true counsell to
the people: It is a great defaute in
many of the clergye / that they haue
endeuored thesselfe no more to haue
knowlege therof thā they haue don
And what incōuenyēces haue come
therby / no man can tell: for by that
occalpon ignoraunce hath ben pre-
ferred before knowlege / as well in
outwarde courtes / as in the secrete
Courte of the soule.

Also it hath ben a great defaute
in many of the Clergye / that they
haue pretended / that it hath nat ben
conuenient for laye men to treate of
the power of the clergye / ne to rea-
son what be the keyes of the church /
ne to touche the power of the makig
of thei Canons / or to treate which
be resonable and which nat: for that
right

right specially belongeth to princes
 and their counsell to loke vpon: for
 if they shuld be driven to beleue the
 iudgement of the clergie in thinges
 concernynge the honour / power / &
 iurisdiction of the clergie agaynst
 their owne / they might happely be
 discryued : for the more power that
 the clergie hath in temporall thiges
 the lesse is the power of princes / &
 therfore they shoulde be lerned in the kin-
 ges lawes / at specially bounde be-
 fore other to know the power of the
 kynge and of his parlyament. For
 howe can they knowe that the lawe
 that they haue lerned is to be mini-
 stred amonge the people / If they
 knowe natte whether the kynge by
 whose auctorite it is ministred / ha-
 ue power to comaunde the ministra-
 cyon of it. Also he shoulde knowe nat
 whether the parlyament of Englande ha-
 the power by yhole church of Englad
 can

The .xix. chapter.

can nat fully knowe the power of þ
parlyament. Furthermore no man
can knowe the power of the kynge
and of his parlyamēt: but he knowe
the power of the clergye. For it is no
dout but that such power as the cler
gye hath by the immediat graunte of
Christ / the kynge ne his parlyamēt
can nat take it from theym thoughe
they maye order the manner of the
doyng. What an abusyon is it thā
in thē that wolde make the lerners
of the lawes of þ realme beleue that
it is nat conuenient for them to ser
che / ne knowe what is the auctorite
of the clergye: for the auctoritie of
kynge and of the clergye be so lyn
ked together in many thinges / that
the one can nat be knowen / but the
other be knowen also: And yet as it
hath ben repoxyd / many right no
table men haue ben brought to that
belefe in tyme past. Moreover it is

A

no des

The. xix. chapter.

no defaute in lerners of the lawe to
pretende ignoraunce in high doubtis
of scripture that parteyne nat to the
lernynge of the lawe/ but to p'tende
ignoraunce in the power of þe kinge
and his parlyament oz of the clergie
which be the thinges that most spe-
cially parteyne to the approuynge
oz dysaprouynge of þe they haue ta-
ken in hāde to lerne is gret defaut.
And furthermoze/ sith dyuers spūal
men haue taken vpon the to reason
whether laye mē haue power to as-
signe what cloth shalbe layed vpo
a deed corse at his buryall / & what
candelstyckes & other thinges shall
be set about hi / and what nat. why
shulde nat leye men / and specially
those that be lerned in the lawes of
realmes and countreys serche whe-
ther the reasonynge and determy-
nacyon therin procede vpon an in-
differency & accordyng to the trowth

or vpon a synnguler couctice of them
 selfe/ and if they ought nat no: mist
 nat do so/thā might the clergy hap-
 pely bide laye mē to that they ought
 nat to do in many cases. Neuerthe-
 lesse we thinke nat y al the hole cler-
 gye be fallen into these defaultes be-
 fore reherſed: for we doute nat but y
 ther be many of thē that haue their
 eyen fully ſet open vnto the trowth:
 ne yet we thinke nat that any of the
 clergye now lyuyng be in the ful de-
 faute of the ſayd abuſyons: for ma-
 ny of theym were bygonne by their
 pꝛedeceſſours before their tyme/ and
 therfore if they wyll herafter ende-
 uour thē ſelf with good dilygēce to
 helpe ythe default; which were firſt
 begō by their pꝛedeceſſours may be re-
 formed. They ſhall therby deſerue
 great thanke of god/ & gyue alſo a
 good & a bleſſed exāple to al y peple
 toward a good vniuerſall reforma-
 (cion Amen.

The table and fautes.

¶ Fautes in pryncyng.

In the tenth chapter the fourth
lese / the seconde syde / the .xix. lyne /
rede many for any.

In the .xiii. chapter the seconde
lese / the fyrste syde / the .viii. lyne /
rede vnder for vnto. And in the .ix.
lyne for abbot rede the abbot.

In the .xvi. chapter / the seconde
lese / the seconde syde / the .xiii. lyne /
rede emunitas for emunitatas / and
in the .v. lese / the first syde / the .xiii.
lyne / rede contayned for contrayned.

In the .xviii. chapter / the .xiii.
lese / the fyrst syde / and the last lyne
rede to be herde / for herde

The table.

That kinges and princes haue
their auctorite imedyately of
god & of obeyeunce to the .i. cha.

Certayne other auctorities con-
cerning kynges & princes, the .ii. cha.

Of

C Of auctorities prouyng that kynges in tyme past haue ordered thynges that some men call spyrituall thynges. The thirde chapiter.

C Whether the statute of Silua cedua / that treateth of tyth wood / be a gaynst the lawe of god. the.iiii.ch.

C Whether the spūall Judges be boude in any case to take knowlege of the kynges lawes. The.v.chap.

C Of arraygnige of prestes befoze laye men. The.vi. chapiter.

¶ Whether any of the constitucōs prouyncpall be agaynste the kynges lawes / and of the expōsicyon of master Lynwode made therupon,

The.vii. Chapiter.

C Whether the treatyce called Circumspecte Agatis / be a Statute.

The.viii. Chapiter.

¶ Whether crysten kynges haue a ny lesse power ouer their subiectes after their conuercyon than they had

had whan they were Daynymmes.
The. ix. chapter.

¶ If a kynge that is an Infydele
offre to be conuerted / but he wyl re
ceyue no holpe dayes but onely the
sondayes / nor haue his Subiectes
bounde by anye lawes / but of hys
owne makynge / whether he shalbe
receyued with those condicions.

The. x. Chapter.

¶ If a vowe be made to a saynte /
whether that a vowe must be perfoz
med vpon payne of restitutyon.

The. xi. Chapter.

¶ If the writ of Excoꝛicato capien
do / were put awaye / whether the
keyes of the church were thereby
offended. The. xii. chapter.

¶ Whether the artycle of the sta
tute of Carleole that treateth of co
men scales / be a statute. the. xiii. ch.

¶ Of excoꝛicacions made agaynst
kynge's lawes. The. xiiii. chap.

By

The table.

C By what lawe the kyngs court
is put out of Jurisdiction / so: ty-
thes. The .xv. Chapter.

C Whether diuers cases contained
in the Summes called Summa rosel-
la: and Summa angelica / & that be
recyted in this chapter / stāde with
the lawes of the realme. the .xvi. ch.

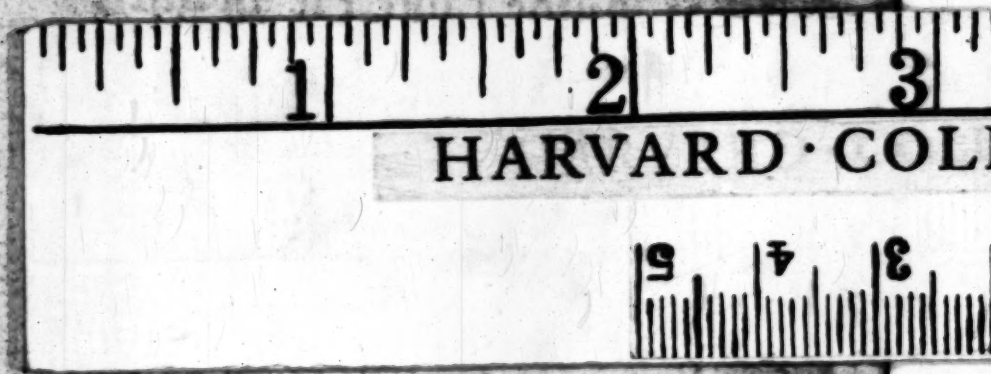
C What shulde cause the hyghest
commen welth nowe in these dayes.
The .xvii. chapter.

C Of dyuers reasons to proue that
the clergye haue bothe powers spy-
rytua and Temporall / with answer-
es therto. The .xviii. chapter.

C Of abusyngs in dyuers of the
clergye concernynge the lawes of
the realme. The .xix. chapter.

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